

pension to Wilhelmina Miller—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of retail druggists of La Crosse, Wis., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. EVANS: Paper to accompany House bill 16084, granting an increase of pension to George Weight—to the Committee on Invalid Pensions.

By Mr. FOERDERER: Petitions of Robert Shoemaker & Co. and Felton, Sibley & Co., favoring the passage of amendments to the interstate-commerce laws for the adoption of uniform freight-classification rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Live Stock Association, favoring the passage of House bills 14488 and 14643—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Felton, Sibley & Co., Philadelphia, Pa., urging the enactment of a law requiring railroad companies to have a uniform classification of freight rates which would apply over the whole country—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Papers to accompany House bill 16158, granting an increase of pension to Adeline McDonald—to the Committee on Invalid Pensions.

By Mr. HILL: Petition of David B. Sage, of Torrington, Conn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LEVER: Petition of citizens of Leesville, S. C., favoring the erection of a monument to Capt. James Butler—to the Committee on the Library.

By Mr. LLOYD: Petitions of the Missionary Society of the Baptist Church, and the Hope Methodist Church, of Hannibal, Mo., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. MAYNARD: Petition of Emily Hyatt, widow of George Hyatt, private, Company E, Nineteenth Regiment Wisconsin Infantry, for increase of pension—to the Committee on Invalid Pensions.

By Mr. NORTON: Petition of citizens of Tiffin, Ohio, and vicinity, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, protest of Sandusky Automobile Company, and the Hinde and Danch Paper Company, of Sandusky, Ohio, against the passage of the eight-hour bill—to the Committee on Labor.

By Mr. RUMPLE: Petitions of the Woman's Christian Temperance Union of Clinton, and Presbyterian Young People's Society of Christian Endeavor of Clinton, Iowa, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. RYAN: Petition of Edward J. Brady and 74 other citizens of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. SHAFROTH: Petition of citizens of Timnath, Colo., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, resolution of the Produce Exchange of Seattle, Wash., asking for appropriate legislation for the Territory of Alaska—to the Committee on the Territories.

By Mr. SPERRY: Resolution of the Connecticut Society of the Sons of the American Revolution, favoring the bill for the purchase of the Temple farm, at Yorktown, Va.—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petition of George W. Cooley, president of the Minnesota Good Roads Association, in favor of House bill 15369, to create a bureau of public roads—to the Committee on Agriculture.

By Mr. TONGUE: Petition of T. P. Hackleman, of Albany, Oreg., for the establishment of an experimental steel-rail public highway, and for an appropriation to defray the expense thereof—to the Committee on Agriculture.

By Mr. TRIMBLE: Paper to accompany House bill granting a pension to Capt. W. P. Bacon—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill for increase of pension of Isaac N. Willhite—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Francis M. Neel—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Martha A. Parks—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Affidavit of M. L. Hawkins, to accompany papers relating to the correction of the military record of Luther Furney—to the Committee on Military Affairs.

By Mr. WOODS: Petition of the Iroquois Club, of San Francisco, Cal., favoring the admission to statehood of the Territories of Oklahoma, Arizona, and New Mexico—to the Committee on the Territories.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., asking for amendment of the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the same in favor of House bill 15368 as a means of encouraging the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 19, 1902.

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

O God, our Heavenly Father, we thank Thee from our heart of hearts that peace is stronger than war, that harmony is sweeter than discord, that mercy is more potent than hate or revenge, and good more enduring than evil, because back of all the profound mysteries which environ us is infinite and eternal love. Help us with such faith to live and work, with such hope to pass through the valley of the shadow of death in triumph, and Thine shall be the praise through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

PORTAL, N. DAK., SUPPORT OF ENTRY, ETC.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk. The Clerk read as follows:

A bill (H. R. 15008) amending an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888.

Be it enacted, etc., That section 1 of an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," be, and the same is hereby, amended by including therein the town of Portal, in the State of North Dakota, as a port for the immediate transportation of dutiable goods, and that all the provisions of said act are hereby made applicable to said port.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

"That Portal, N. Dak., be, and is hereby, designated a support of entry in the customs collection district of North and South Dakota, and that the privileges of the first section of the act approved June 10, 1880, entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to said support."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman a question. What will be the effect of this bill if it should become law?

Mr. TAWNEY. Simply allow immediate transportation of merchandise imported by American citizens at that port. An officer is stationed at that place now.

Mr. HEPBURN. Instead of having the duties assessed or ascertained at the port of entry and the entries made there, you send the merchandise out to this interior port?

Mr. TAWNEY. In bond.

Mr. HEPBURN. In bond, for examination. And you have got to have, then, at this little town or port all the officers and all the machinery that may be necessary for the port of New York in ascertaining the value of the duties in that investigation?

Mr. TAWNEY. I will say the gentleman is mistaken in that. This bill is unanimously reported by the Committee on Ways and Means, and before that report was made by the committee the bill was submitted to the Secretary of the Treasury, and the Secretary of the Treasury, in returning the bill, says in his letter—

Mr. HEPBURN. Well, Mr. Speaker—

Mr. TAWNEY. "For your information"—

Mr. HEPBURN. If the gentleman will permit me. You answered my question in the first instance, and then you contradict yourself. What will be the effect, I want to know?

Mr. TAWNEY. "For your information," the Secretary states—For your information it is stated that an officer is now stationed at Portal, and the proposed action will not, therefore, involve any increase in expenses.

It involves no increased expenditure whatever to the Treasury. Mr. HEPBURN. Mr. Speaker, will the gentleman permit me to ask him a question? Will not there have to be done in regard to that invoice of merchandise at this port, to ascertain the duty and the amount of duty, all that would have to be done at the city of New York?

Mr. TAWNEY. No, sir; I do not so understand it from the statement of the Secretary of the Treasury himself.

Mr. HEPBURN. Why, you say it comes in in bond.

Mr. TAWNEY. It comes in in bond. For example, wheat is

imported in bond. It is being ground into flour in the city of Minneapolis in bond. It is desirable that that importation should be given immediate transportation when it comes through that port, and should not be detained as it is now. It is simply an amendment of an existing statute. There are a number of ports of entry just like it, and this is to make it a port of entry.

Mr. HEPBURN. And every one that has been established has been established at the expense of the revenue.

Mr. TAWNEY. I do not know that that is a fact. I am relying upon the information furnished the committee by the Secretary of the Treasury, that there is no additional expense involved on the people by the passage of this measure.

Mr. HEPBURN. Let me ask the gentleman another question. Suppose that an invoice of silk or satin was shipped, they would have to be appraised, would they not? You would have to have all the machinery of the port of New York that would apply to a proper appraisal of that merchandise in order to ascertain whether the invoice was a correct one. Would you not have to do that?

Mr. TAWNEY. I do not know what the practice is at these ports of entry for immediate transportation of merchandise imported from foreign countries, and I am unable to answer the question.

Mr. HEPBURN. The gentleman from Iowa could inform you upon that point, although he is not a member of the committee. [Laughter.]

Mr. TAWNEY. The statute regulates that method of doing the business for the immediate transportation of goods, and prescribes the method by which it shall be done. That is regulated by statute, and this adds one other port. This place is on the Canadian line in North Dakota, where there is a great deal of wheat and a great deal of lumber imported from British Columbia and from Canada into the United States, and the delay incident to the importation at the present time at that place is a great loss and inconvenience to the American importers of these products. This bill will afford them an opportunity to have their importations shipped immediately to the interior, under the statute which exists to-day for the regulation of that business.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understood the gentleman from Minnesota to say that the bill was unanimously reported by the committee. I have the report here, and I understand the committee recommended the passage of the bill on the statement that there was already an officer there and that there would be no additional expense incurred by the bill. That is the statement that was made to the committee.

Mr. TAWNEY. Yes, that is contained in the letter from the Secretary of the Treasury.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

MIAMI INDIANS OF INDIANA.

Mr. ZENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8130) for the relief of the Miami Indians of Indiana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Miami Indians of Indiana, interest at the rate of 5 per cent per annum upon the principal sum paid said Miami Indians by act of March 2, 1895, from the time said money, due them under treaty stipulations, was taken from their tribal funds and paid to other persons not entitled to it: *Provided,* That the Secretary of the Interior shall identify the Indians to whom payments are made under this act, by correspondence or by data in his Department, and forward to said Indians the several amounts due them by checks or drafts.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. ZENOR. Mr. Speaker, I desire to offer the following amendment.

The Clerk read as follows:

Amend by striking out all that part after the word "that," in line 3, to and including the word "Indiana," in line 6, and insert in lieu thereof the following:

"There be, and is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, which shall be immediately available, a sum sufficient to pay to the Miami Indians of Indiana, residing in the State of Indiana or elsewhere."

The amendment was considered and agreed to.

Mr. ZENOR. I also offer the following amendment.

The Clerk read as follows:

Amend by inserting after the word "it," in line 11, the following:

"Which sum shall be computed and ascertained by the Secretary of the Interior."

The amendment was considered and agreed to.

Mr. ZENOR. Mr. Speaker, I also offer the following amendment:

The Clerk read as follows:

Amend by striking out all that part after the word "Provided," in line 11, and insert in lieu thereof the following:

"That the Secretary of the Interior shall ascertain and identify the Indians entitled to share in the distribution of said moneys, and the amount of pro rata payments to be made to each, under such rules and regulations as he may prescribe: *And provided further,* That said sum or sums shall be paid to the Indians who may have established his, her, or their identity and their right to receive the same, and shall be distributed to said Indians under such rules and regulations as the Secretary of the Interior may prescribe."

Mr. LACEY. Mr. Speaker, I think my colleague on the committee, in this amendment, overlooks one of the purposes of this proviso, and the amendment offered by him ought to be amended. The proposition here was to pay to the Indians direct by check or draft so as to prevent this money from being tolled by any attorneys or agents. That was the object. By striking out this provision as to checks and drafts the money would be paid in such a way that some one might have an additional fee, possibly, on this claim, and that was sought to be avoided by the proviso in the original bill. I think the amendment offered by the gentleman is a good one, but the provision ought to be added to it that the payment shall be by checks and drafts to the parties entitled thereto.

Mr. ZENOR. I agree with the gentleman from Iowa as to the purpose of this bill, that it was to prevent the payment to any attorney or agent in the distribution.

The SPEAKER. Will the gentleman from Iowa repeat his amendment?

Mr. ZENOR. I have no objection to the amendment offered.

Mr. LACEY. At the end of the proviso, after the word "prescribe," insert "said amount to be paid by checks or drafts;" so as to require that the regulation to be adopted shall be to make the payment by checks or drafts.

Mr. ZENOR. I accept the amendment; but I thought that as no provision was made for a deduction for the purpose of paying this money to the parties interested through attorneys or agents, these payments would have to be made directly to the Indians. I will print as a part of my remarks the following:

[House Mis. Doc. No. 69, Fifty-third Congress, third session.]

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 12, 1895.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on Indian Affairs, House of Representatives, under the act of March 3, 1883.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. CHAS. F. CRISP,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 9255. The Indiana Miami Indians v. The United States.]

FINDINGS OF FACT.

[Filed February 11, 1895.]

This case having been heard by the court, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, finds the facts as follows:

I.

On the 6th day of November, 1838, by treaty of that date, the Miami tribe of Indians, then living in Indiana, ceded to the United States, for a money consideration, a portion of their lands in Indiana, looking to the eventual removal of the tribe to the country west of the Mississippi River.

II.

On the 28th day of November, 1840, the Miami tribe of Indians entered into another treaty, by which they ceded to the United States their remaining lands in Indiana, and the United States stipulated to assign them a large tract of country in the then Territory of Kansas, to which they agreed to remove within five years.

III.

In compliance with the treaty of 1840, most of the Miami tribe of Indians removed to Kansas in the year 1846, but a large number of the tribe had special permission, under the treaties of 1838 and 1840 and joint resolutions of Congress passed in March, 1845 (6 Stat., 942), and in May, 1850 (9 Stat., 806), to remain in Indiana. They did not, therefore, emigrate with the tribe, but remained in Indiana and adjacent States, and the annuities due the tribe were divided, one part being distributed among the Western Miamis, or those who resided in Kansas, and the other part distributed among the Miamis of Indiana.

IV.

On the 5th day of June, 1854, both branches of the Miami tribe of Indians entered into another treaty with the United States (10 Stat., 1063). In the same month and year the Commissioner of Indian Affairs, in consultation with the head men of the Indiana portion of the tribe, revised and corrected the list of those remaining in Indiana, and who were entitled to a distribution of the fund to be paid to the Indiana Miamis, which constituted a list of three hundred and two (302) persons. At the time of the ratification of said treaty (August 4, 1854) an amendment of the treaty was made for the benefit alone of the Miamis of Indiana, which amendment, after reciting the disposition to be made of that portion of the money to be paid to them, provided:

"That no persons other than those embraced in the corrected list agreed upon by the Miamis of Indiana in the presence of the Commissioner of Indian Affairs in June, 1854, comprising three hundred and two names as Miami Indians of Indiana, and the increase of the families of the persons embraced in said corrected list, shall be recipients of the payments, annuities, commutation monies, and interest hereby stipulated to be paid to the Miami Indians

of Indiana, unless other persons shall be added to said list by the consent of the said Miami Indians of Indiana, obtained in council, according to the custom of Miami tribe of Indians."

V.

Under the provisions of the said treaty of 1854 payments were made annually to the Western Miamies and to the Miamies of Indiana until 1858, when, under an act of Congress passed on the 12th day of June of that year, the Secretary of the Interior took \$15,629.27 from the funds set apart by treaty for the Indiana Miamies, without their consent and against their earnest protest, and paid the same to sixty-eight persons, none of whom were a part of the three hundred and two (302) Miamies named in the amendment to the treaty of 1854, or the descendants of any of said 302 persons.

VI.

These sixty-eight persons were then placed upon the pay roll of the Indiana Miamies (to which roll others were afterwards added), and they received additional annuities from the Indiana Miami funds amounting to \$32,890.11, until their names were stricken from said roll under an opinion of the Attorney-General dated September 20, 1867.

VII.

These sixty-eight persons so placed upon the Indiana Miami roll in January, 1859, and the others afterwards added were not embraced in the corrected list of three hundred and two (302) persons agreed upon by the Miamies of Indiana and the Commissioner of Indian Affairs in June, 1854, nor were they the descendants of any of the 302 persons who alone by the terms of said treaty were to share in the annuities and other moneys of the Indiana Miamies.

VIII.

The moneys so paid from 1859 to 1867 to said sixty-eight persons and the others afterwards added were taken from the funds then in the possession of the United States belonging to the Indiana Miamies, and were a part of their proportion of the installments due them under the treaties of November 28, 1840, and of June 5, 1854, and also interest at the rate of five (5) per cent per annum on the sum of \$221,257.86 held in trust for the Miamies of Indiana under the amendment of the treaty of 1854.

IX.

The aggregate amount paid to the persons so added to the Indiana Miami roll to the period when their names were stricken from the roll under an opinion of the Attorney-General was \$48,528.38 (forty-eight thousand five hundred and twenty-eight and 3/4 dollars).

A true copy of the findings of the court filed February, A. D. 1895.

Test this 12th day of February, A. D. 1895.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. LACEY. I move to amend the gentleman's amendment by adding at the end of it the following words: "Said amount to be paid by checks or drafts."

The SPEAKER. The question is on the amendment of the gentleman from Iowa [Mr. LACEY] to the amendment of the gentleman from Indiana [Mr. ZENOR].

Mr. MADDOX. I should like very much to hear this bill read as amended, since it has been so extensively amended.

The SPEAKER. That can only be done by unanimous consent.

Mr. LACEY. The amendments are purely formal.

Mr. ZENOR. Altogether so.

The SPEAKER. There are two amendments pending which have not been adopted. Does the gentleman desire to have the bill read before the amendment and the amendment to the amendment have been acted on by the House?

Mr. MADDOX. Yes, sir; I should like to know exactly the effect of the bill.

The SPEAKER. If there be no objection, the Clerk will report the bill with pending amendments.

The bill as proposed to be amended was read.

The amendments of Mr. LACEY to the amendment of Mr. ZENOR were agreed to.

The amendment of Mr. ZENOR, as amended, was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. ZENOR, a motion to reconsider the last vote was laid on the table.

PATENT OF VALDEMAR POULSEN.

Mr. LITTLEFIELD. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill as proposed to be amended by the Committee on Patents was read, as follows:

Be it enacted, etc., That letters patent of the United States granted to Valdemar Poulsen, No. 661619, dated November 13, 1900, shall not be held invalid by reason of the lapse of more than seven months between the time of filing of his application for a patent in Denmark and the filing of his application for said United States patent; nor shall the lapse of said period of more than seven months debar him from the grant of a patent upon that portion of his invention which was divided out from his original application in this country under the rules of practice then prevailing in the Patent Office, but the patent which may be granted on said divisional application shall expire at the same time with the said letters patent No. 661619.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I hope we shall have an explanation.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. We should like to hear an explanation of the bill.

The SPEAKER. An explanation is asked by two members.

Mr. RICHARDSON of Tennessee. It was impossible to understand the bill as reported at the desk. We should be glad to have the gentleman from Maine tell us in detail what its effect is.

Mr. LITTLEFIELD. Mr. Speaker, this bill relates to a patent taken out by a resident of Denmark—an invention patented by

him in Denmark. The statute requires that he should have his application filed here within seven months from the date of his application in that foreign country. His papers arrived here in time, properly framed, and would have been filed except for the neglect of a clerk in New York City. They really reached the office here seven days after the expiration of the limit. Notwithstanding the fact that the patent has already been granted, it will affect the validity of the patent. There are no conflicting claims, no interfering patents, and no intervening interests. The patented machine has never been produced in this country. It is a very complicated machine, and probably never would be unless it can get the advantage of the patent laws.

That is the substance of the proposition in the bill.

Mr. RICHARDSON of Tennessee. I understand from members of the committee that the report upon the bill was unanimous.

Mr. LITTLEFIELD. No; I can not state that.

Mr. CLARK. Well, I will state it.

Mr. LITTLEFIELD. The gentleman from Michigan [Mr. CORLISS] filed minority views in this case, not because he had any special objection to this particular bill, but on principle he is opposed to such legislation. I have conferred with him, and he has said that he should make no further objection, but would content himself with placing on record his minority views.

Mr. UNDERWOOD. Will the gentleman from Maine state what this patent is for?

Mr. LITTLEFIELD. I will read:

The application embraced a process and means for recording, storing up, and reproducing speech and signals by impressing upon an electric circuit containing an electric magnet, undulations of the current corresponding to the sound waves of the speech or signals, whereby, by the use of the ordinary telephone transmitting and receiving apparatus, messages may be sent, stored on the receiving wire, and at any subsequent time reproduced at the receiving station.

[Laughter.]

Mr. PAYNE. I hope the gentleman from Alabama [Mr. UNDERWOOD] is answered.

Mr. UNDERWOOD. That is about as clear as mud to an ordinary mind. I suppose the gentleman from Maine can interpret it.

Mr. LITTLEFIELD. This further statement may perhaps cover the idea:

The invention removed the necessity of the presence at the same time, at the respective transmitting and receiving stations, of both the sender and the recipient.

Mr. UNDERWOOD. What I want to ask the gentleman is this. Does this extend the patent on the telephone?

Mr. LITTLEFIELD. Oh, no; it is not a patent on a telephone. It is a receiving instrument of very complicated character. It does not extend anything. It simply grants a patent on this very complicated and ingenious device.

Mr. UNDERWOOD. It is no effort to extend the present telephone patent?

Mr. LITTLEFIELD. Not the slightest in the world.

Mr. UNDERWOOD. And does not extend the life of the particular patent longer than it would be under the general law?

Mr. LITTLEFIELD. No; not at all. It simply removes that invalidity of the failure to file within the proper time. It does not extend the life of the patent at all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LITTLEFIELD a motion to reconsider the last vote was laid on the table.

PURE FOOD.

Mr. HEPBURN. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3109—the pure-food bill.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. CANDLER] such time as he desires.

Mr. CANDLER. Mr. Chairman, I had not expected to say anything in reference to this bill or to participate in this discussion until I heard the very able and forcible argument which was presented yesterday by the gentleman from Georgia [Mr. ADAMSON] in opposition to it. He having so forcibly called attention to certain objections to it, I desire by going into the details of the bill to emphasize and enforce, if possible, the reasons why it should not pass this House. It is my purpose to call attention specifically to some of the provisions of the bill which to me demonstrate that it is not such a measure as should become a law of the land.

Yesterday attention was called to the fact that there were already in a great number of States of this Union what are called pure-food laws, and that in other States there were none, and that in those States where these laws had been enacted in a great many instances they were dead letters upon the statute books. That of itself establishes to my satisfaction the fact that this law is entirely unnecessary and that it is simply placing in the hands of the National Government a function and a power which it should not exercise and for which there is no general demand. The fact that certain States have passed no such laws demonstrates that they do not care for such legislation. The fact that other States have passed and enacted and placed upon their statute books such laws and that they are to-day dead letters and are not enforced demonstrates the fact that those people even whose legislatures have enacted such laws do not desire the enforcement of laws of this kind.

All laws of this character depend largely upon public sentiment for their enforcement. If they be placed upon the statute books with no demand for them and no necessity for them, then there will come no demand for their enforcement and they become dead letters. That, to my mind, demonstrates fully the fact that this law is absolutely unnecessary and is not required by anything that is in the country to-day. I believe in that theory of government which leaves to the people the control of their own affairs as far as possible. I believe that the best government is that which gives to the people the least government, that government which gives them the largest liberty, especially in the management and control of their own affairs, their own households, and their own private business.

This bill proposes that we go into the general inspection business throughout the United States. It provides that the Secretary of Agriculture, whenever he sees proper, may investigate these various food products in every part of the country and in whatsoever part of the country he may see fit. He may investigate in one section to the exclusion of others, or he may include the whole country, so far as that is concerned. It is left to him, and there is no limit placed upon his power of appointment of sub-agents, clerks, inspectors, laborers, and other employees who may go from one end of this country to the other looking into these matters and investigating the private affairs of the individual.

The demand for this law, if there is a demand for it, as was suggested by the gentleman from Georgia [Mr. ADAMSON] yesterday, will be found in the third and fourth sections of this act, wherein it is provided that the director of the Bureau of Chemistry shall make or cause to be made, under regulations and rules to be prescribed by the Secretary of Agriculture, examinations of specimens of foods offered for sale in the original and unbroken packages in the District of Columbia and in any State or Territory of this Union, and then, in case he finds to his satisfaction that there is anything impure, that there is adulteration, that he shall at once certify that fact to the district attorney of the United States, and then the law makes it the duty of that officer to at once commence proceedings in the Federal courts for the suppression of what he considers wrong.

Now, this demand comes from that class who desire to shift the burden of the expense and difficulties of prosecution to redress their wrongs from their own shoulders and place them upon the shoulders of the National Government, place them in the hands of the Federal court, place them under the direction of the Federal authorities, and require the Government of the United States to pay all the expenses to correct a private wrong from which they claim they are suffering; whereas they should be required to bear their own expense and go into their own courts to enforce the law and to right their own wrongs, if they are suffering from any, and to vindicate their own rights. In this, in my judgment, will be found the demand which is made for the passage of this bill. I do not believe that it is best to place matters of this character in the hands of the National Government, and exclusively under the jurisdiction of the Federal courts.

The provision to which I referred a moment ago gives the Secretary of Agriculture the authority to appoint inspectors, which will be found in section 1 of this act, and it does not limit him as to number, but leaves it entirely to his judgment and to his discretion to send these inspectors wheresoever he may see proper, in any part of the country, to make such investigations as they see proper to make and to report thereunder. And this applies throughout this country, so as they may go from one section to another inquiring into the private business of the individual, going into his store, going into his place of business or into his manufactory, looking into his personal matters and demanding of him that he deliver the product which he possesses in order that he may make this inspection upon which he expects to make his report.

There are some people all over this country, so far as that is concerned, who are ready at any time to find some reason or cause to inspect somebody else's business, to investigate somebody else's affairs, and when they find such things as are contrary to their

views, to seek to bring them into the Federal courts of the country in order that they may receive from the Federal Treasury pay for their per diem and mileage and their expenses in going to and returning from these courts. I know there are some few people in my section of the country, and I have no doubt they exist not only where I live, but at every other point in this country, who are willing to go to the Federal courts for what they may get out of it, and to prosecute and persecute their neighbors, and sometimes even their friends, in order that they may get the filthy lucre that they obtain in this way and put it into their own pockets. I have seen it done, and I have heard them laugh about it afterwards and tell how they had imposed upon the Federal court, as well as wreaked their private vengeance, and in addition to that received pay for so doing. I am glad to say, however, that in my section these "cheap John" characters only exist in limited numbers, but oftentimes in sufficient numbers to annoy and harass innocent citizens.

Now, as was suggested by the gentleman from Illinois yesterday, this might be used to some extent in a partisan way if the Secretary of Agriculture desired so to use it. I am glad we have a most excellent gentleman and a most efficient Secretary at the head of this Department now, and I am frank to say that I do not believe that he would use this power in any such way; but the fact that he would not is no guaranty that there never will be a Secretary of Agriculture who would not use it for partisan purposes, and seek investigations by this means into other matters while investigating this question in different parts of the country, in order that certain views might be promulgated and in order that certain policies might be made popular, and in order that certain information might be obtained which would be to advantage from a partisan and political standpoint.

Under this provision in this bill in section 1, these inspectors could be sent in every part of the country and into every neighborhood and into every county in every Commonwealth of the United States; and under the guise of inspecting food products they could collect such other information as they might desire to collect or be instructed to obtain, to be used for partisan and political purposes. Therefore I say that this provision in the bill which authorizes these inspectors simply legalizes the employment of spies to spy upon the private enterprises of individuals, upon the private business of the citizen, and to go into the manufactories of the country and see what they propose to make, and place them absolutely in the power of the Federal authorities, absolutely at the mercy of this inspector, who in all instances might not be a man of justice, integrity, and high character. Therefore, in my judgment, this one provision of the bill is sufficient reason to call for its defeat. [Applause.]

Another very strong reason why this bill should not become law is found in this provision of the bill which requires the dealer, merchant, manufacturer, or business man to furnish for analysis an article which he is exposing for sale and offering to the trade in his private business. This is the provision: If a man is selling any product or any goods, and within business hours, the inspector shall appear on the scene and offer to pay the value of that article that he is offering to sell to other people, that he shall be required to furnish it to him and it shall be divided into three parts, one part to be taken by the inspector, one part to be left with the manufacturer or dealer, and the other part left in the office of the United States district attorney; that the Agricultural Department shall analyze the part taken by the inspector; that the dealer may have an analysis made of that part which was left with him; and if they do not agree, they shall have an analysis, at the expense of the dealer, merchant, or business man, made of the part that is left in the hands of the United States district attorney, and if they should not agree, all three together, they shall cast it upon the court to determine what is the truth about it by further proof and testimony; and if it is demonstrated by the analysis that the product is impure, that it is adulterated, that then this man shall be taken into court, and that he shall have, as evidence against him, not as prima facie evidence, not as conclusive evidence, but as evidence against him, the analysis which is made of this product he is required himself to sell and he is required to furnish to be used as testimony against him.

Now, then, I do not believe this provision is in accordance with the Constitution of the United States, or any constitutional law of any State in this Union, for the reason that throughout all this land, a man can not be required to furnish testimony against himself or required to testify against himself in any criminal proceeding. The law presumes every man innocent until the contrary shall appear, and he may stand upon his innocence and demand that his actual guilt be established outside of any testimony he shall furnish himself, and that he shall not be required to testify himself, but that he shall have all the benefit of the presumption of innocence until his crime shall have been established by outside testimony furnished by other witnesses and furnished by other means.

But it is proposed in this bill to require that he himself shall furnish to the inspector, an officer of the United States Government, the most powerful Government in all this world, evidence to be used against himself in a court of justice upon a trial in order to determine whether or not he has committed a crime, and this might occur even though the merchant or dealer with the greatest degree of innocence, having received the article in his business with the absolute belief that it was pure and that it was not adulterated in any sense of the word, and having no information on that subject to the contrary, an inspector could come in and force him to sell him one of the products to be analyzed by the United States Government, and then after the analysis, if they find that it was impure, when he had no intention of committing a crime or violating any law, they could bring him into court and introduce this testimony against him which they require he shall furnish himself. I do not believe any law can be passed compelling a man to sell his property if he does not desire to sell it. I do not believe that you can compel a man to sell goods if he should decline to sell them, and I do not believe that any provision of this character should become a law, and I do not believe that any law can be enforced requiring a man to sell property if he does not want to sell it.

By individual and private rights he is given the liberty, in this country, of acquiring any and all the property that he can honestly acquire in due course of trade by honest methods, and he has the right to keep it as long as he sees proper to keep it, or sell it to whom he pleases, and there should be no law placed upon the statute books of this country requiring that he should be compelled to sell it when he prefers not to sell it; and much more so should he not be required by this law to sell it in order that it may furnish evidence to convict him of a crime. Not only does it go to this extent, but it makes it a crime if he shall refuse to sell. If the inspector comes into his place of manufacture or his place of business and demands that he shall sell, and he refuses to sell, then he has committed a crime. If he does sell and the article is shown to be adulterated or impure food, then he has committed a crime. Thus it catches him coming and going. If he refuses to sell, it is a crime; if he does sell and it is found to be impure, he has committed a crime, and take it either way you please, you put on him all the pains and penalties prescribed in this statute. [Applause.]

Not only does it inflict upon him a penalty in the nature of a fine or imprisonment, or both, but it requires him, in addition, to pay all the expenses and costs of this analysis which has been made by the Government in order to convict him of the crime with which he is charged under a violation of this statute.

Now, these two provisions, it seems to me, are very objectionable in that they go into the private affairs of the citizens of this country, and they use the arm and power of the Government in order to make investigations into the private business of the citizens.

Now, another provision. In section 7 of this act it provides that it shall be the duty of the Secretary of Agriculture to fix the standard of the food products and to determine the wholesomeness or unwholesomeness of preservatives or other substances which are or may be added to foods, and to aid him in reaching such decision he may call in the board of arbitration, and so forth.

Now, then, is the Secretary of Agriculture going to be given power in this country to fix the standard by which the people of this country shall eat? That is what it proposes to do—to fix the standard of food products, to fix the standards of the foods that go on your table and go into your homes without the citizen having any say so in any way whatever. If he is going to fix the standard of the food product, how long will it be before he will say what kind of clothing we shall wear in summer and in winter, what kind of a horse you shall drive, what kind of a vehicle you shall ride in, and what kind of business you shall engage in; how you shall run your farm, how long your laborers shall work, what you shall pay them, or what you shall not pay them? And if you propose to let the Government regulate the table, it can regulate the household, it can regulate the farm, and it can regulate the stores. It can regulate the manufacturer, and by and by we shall find that the Government has its hand in the private business of this country, through inspectors and agents, and is dictating to the citizens of this commonwealth how they shall transact their private business and how they shall carry on their domestic affairs. [Applause.]

Mr. GAINES of Tennessee. Will the gentleman from Mississippi allow me a suggestion?

Mr. CANDLER. Certainly.

Mr. GAINES of Tennessee. In section 10 of this act it is provided:

SEC. 10. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several

Territories, regulating commerce in adulterated foods within the District of Columbia and the several Territories.

So that this act eliminates or exempts all matters that pertain to the internal commerce, or the commerce done wholly within the limits of the States and the several Territories, and the police powers of the States are left intact.

Mr. CANDLER. Yes; I understand that. The State can regulate its own affairs as well as the United States, and better, because when any food product comes within the borders of the State, within the limits of the State, then it is subject to the jurisdiction of that State, and subject to the jurisdiction of the courts of that State, and the local courts are better qualified, more competent, and more efficient to look after the local affairs of its people than any Federal court in this country, I do not care where it is.

I have seen people in my district dragged away from their homes into the Federal courts, miles away, at great expense, on account of the little picayunish, contemptible prosecutions in those courts brought to wreak vengeance by somebody, or to put a few dollars of per diem and mileage into their pockets, relying upon some unscrupulous witness who is willing to swear away the liberty and inflict fines upon his fellow-citizens.

Mr. ADAMSON. I would suggest that in that case the Government has an excuse for the collection of revenue, but in this case there would be absolutely no excuse.

Mr. CANDLER. There is no justification and no excuse for interfering with these private affairs at all, and the result of this bill would be exactly what I pictured a moment ago. You would find that the citizens were being dragged away from home, miles away, only to answer to these various prosecutions that would arise under this bill, and oftentimes they would find themselves away from home faced by an unscrupulous witness to testify against them, and there would be no protection to them unless they paid out of their own pockets for witnesses to go there in their defense.

I have seen citizens in my community taken to the Federal court when, if they could have been prosecuted in their own courts at home, they would have had reliable witnesses to defend them, and where you could not get a corporal's guard of the county that would believe the witnesses for the Government under oath. But the citizen would be in a Federal court miles away, confronted by unscrupulous witnesses, and the only way the man could ever meet it would be to go into his pocket and bring his own witnesses there in order to protect himself against the unscrupulous and unreliable men that the Government was putting up as witnesses, thereby vouching for their truthfulness, when, if he was at home in his local court, he could, by a cloud of witnesses and without expense or trouble, demonstrate the utter unreliability and the total unworthiness of the witnesses against him. That same condition could arise under this bill; those same circumstances could be presented to any man and he be required to answer the charge. [Applause.]

It was said yesterday that the bill provides for a guaranty which will protect any man from all the troubles that I have described; that no dealer can be convicted under the provisions of this bill if he is able to produce a guaranty in the form provided by the rules and regulations of the Department of Agriculture—a guaranty signed by the manufacturer or the party from whom the dealer has purchased the article. It is said that this guaranty will be an ample protection; that no man can be convicted if he shows such a guaranty. But, sir, there is no provision in this bill which says that a man can not be prosecuted if he shows this guaranty. The inspector may come along and look into a man's business affairs, may investigate his food products, and his drugs that he proposes to sell on the market; the dealer may say "I bought these from a certain manufacturer, I have a guaranty from that manufacturer, and I am perfectly willing to submit it to you."

The guaranty may be produced and submitted to the inspector; but he may say, "I do not know anything about this guaranty; I do not know whether it is genuine or forged." Here are a number of people flocking around who are willing to say that they purchased these goods from you and that they are impure. They may be anxious for an opportunity to attend the Federal court 100 or 200 miles away, to see the sights and the ways of the world, and have their expenses paid by the Federal Government. These people may be persuading him to bring a prosecution against this dealer; and he may be willing to be persuaded, because he wants to show his efficiency, his alertness, his zeal in the enforcement of the law. So he may say: "This guaranty that you offer may be all right, but it is only a matter of defense. The statute does not say that you shall not be prosecuted if you have this guaranty; it simply says that you shall not be convicted. Therefore I will report the case to the court, and when you go before the bar of justice you can present your guaranty, and if it is a bona fide, genuine guaranty, furnished under the rules and regulations

prescribed by the Agricultural Department by the manufacturer from whom you purchased, you will be acquitted."

So that man has to be put to the trouble and expense of possibly carrying his witnesses with him a considerable distance in order to defend himself; he may be put to the trouble of leaving his home and his business and traveling 100 miles or more away to some adjoining county, or some other part of the State in order to present his defense. Not only that; he would be required, in order to be properly represented in a court of justice, to secure the services of some able lawyer to whom he must pay a fee in order that his defense may be properly presented. And although his guaranty when presented may be shown to be bona fide and genuine, yet he will have been dragged from his home, taken away from his business, and obliged to travel many miles to make his defense, and probably may have been subjected to large expense in order to meet this unjust, unrighteous, and contemptible prosecution.

Therefore I say that this guaranty amounts simply to no guaranty. It answers no purpose as a protection except when presented as a matter of defense in a court of justice after the man has been indicted and placed upon trial and called upon to answer a charge preferred against him by a Federal grand jury.

Now, Mr. Chairman, on account of these provisions I have been constrained to oppose the bill. I do not want anybody to say that I am opposed to pure food; I am not. I am in favor of pure food. But I believe that the States can better take care of these matters than the Federal Government. I believe that the citizens can better look after their local affairs than the National Government—can attend to them more satisfactorily to themselves, to their State, to the community, and to their fellow-citizens, and that there is no necessity or demand for this bill.

The founders of this great Government had no idea that the Government would ever go into the business of prescribing what people should eat or should not eat. I would be perfectly willing, as suggested by the gentleman from Georgia [Mr. ADAMSON] yesterday, that persons engaged in interstate commerce, shipping their goods to and from different States, or bringing them from foreign countries, or shipping them to foreign countries, should be required to place upon the commodities in which they deal a label showing exactly what they are, the ingredients they contain, and of what substances they are made, and I would be glad to see trust-made articles shut out of interstate commerce and shut up in the States where produced.

There are a great many articles of food in this country that are said to be adulterated which are entirely wholesome, entirely nutritious—articles that are made for food and are just as pure for every purpose as the natural product itself. I do not believe that the Government should interfere in these private or local matters. I do not believe we should make it possible to drag people into a Federal court at the instance of anybody who may see proper to carry them there. [Applause.] I said a moment ago that I am in favor of pure food. Anybody in the world, to look at me, would believe that I must eat pure food. If I did not, how in the world could I prosper and grow to such large proportions? [Laughter.] Mississippians all believe in pure food. In that country we all like it, and I believe that there we have as pure food as they have anywhere in all the land.

Mr. RUCKER. How about the drinks there?

Mr. CANDLER. My brother asks me what about the drinks. I am glad to say that in the State of Mississippi we do not indulge very much. Out of 75 counties, in only 10 of them in the State of Mississippi can drinks be secured over the counter and in accordance with the law, and it looks like the time is speedily coming when drinks will entirely disappear from that grand old Commonwealth. The statutes in the State of Mississippi in reference to this matter, however, do not permit one to go into the home, to go up to the fireside or in the dining room of the citizen and say what he shall eat or what he shall drink. They do permit a man in his own home to "dispense hospitality" to his friends and neighbors within the limits and boundaries of his own household.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman a question about Mississippi. I would ask the gentleman about another product of that grand old State. How are the bears holding out? [Laughter.]

Mr. CANDLER. The bears are holding out wonderfully well, and even refused to be exterminated by the President of the United States, but hid out when he appeared upon the scene, although right in the adjoining county from where he was Capt. Bob Bobo had a party of friends from Chicago down hunting with him and the bears permitted his party to slay five of them, and eleven deer submitted themselves as sacrifices upon the altar to supply the demand of Bobo and his friends, while the President, unfortunately, in the adjoining county, could find but one, and I heard he was tied to a tree, and I suppose that is the one whose picture appears so often in the morning papers. [Laugh-

ter.] As for myself, I wish he had found more. The truth of it is, I was willing that he should have the opportunity to kill one of our Mississippi bears, and if I had had the say I would have tried to place one where it would have been possible for him to have enjoyed the pleasure of slaying him and enjoying his meat afterwards and seeing what pure bear food we produce. [Laughter.]

To return to the point I was discussing a moment ago, when asked the question in regard to the drinks in the State of Mississippi, in reference to there being but ten counties in which it could be obtained, I would call attention to the fact that we permit every county and community and every incorporated town in the State of Mississippi to say whether its people want drinks sold or whether they do not. In other words, we have local option, and that is what I contend in reference to this bill; that is, that the people and not the National Government should manage and control their own local affairs. [Applause.] You can not enforce this kind of a law unless you have public sentiment behind you and public demand for it, unless, of course, you place it as this bill proposes to place it, in the hands of the Federal Government and put spies in the field to hunt up prosecutions, and pay those spies a per diem and mileage for doing so. When you do that, those spies will find a violation of the law if it is to be found. They will hunt for it and seek it out in all quarters and under all circumstances, and they will find it sometimes to exist where in fact it does not exist, if the rewards are sufficient to justify them in finding it.

As I was saying, I believe in pure food. There is no better place on the face of the earth to get it than in the grand old State of Mississippi. We believe in it there, and we want it there, and we have it there, and if any man on earth should suggest to the contrary "every potato would wink its eye, every cabbage would shake its head, every beet would get red in the face, every onion would grow stronger, every grain field would be shocked, every cob would stick up its ear, and every foot of land would kick," and the information would be sent broadcast that there was no better place in all the world to obtain pure food than Mississippi. [Laughter.] That grand old Commonwealth is prosperous and coming to the front by reason of the fact that we do have pure food, because we raise it, and have good housekeepers who know how to present it to those who are in their homes. I am anxious that the products should remain pure.

Mr. STEPHENS of Texas. I would like to ask the gentleman a question. Does the gentleman think that the use of cotton-seed oil for culinary purposes would be a violation of this act, used in lieu of any other ingredient?

Mr. CANDLER. That would depend absolutely upon the inspection that might be made by the Agricultural Department under the provisions of this bill, and that Department might conclude that it was a violation of it.

Mr. STEPHENS of Texas. Is it not well known that it is very often used in that way?

Mr. CANDLER. It is very often used in that way.

Mr. STEPHENS of Texas. As a pure, healthy product.

Mr. CANDLER. Yes, and we believe it is absolutely healthy; and we believe that the people ought to be permitted to use it if they want to use it, that they ought to be permitted to buy it if they want to buy it, but when they buy it let them know that they are buying cotton-seed oil. When they buy lard, let them know that it is lard. When they buy any other product let them know what that product is. I would gladly support that kind of a bill. I would be glad, so far as that is concerned, to have every food product labeled, showing exactly the ingredients out of which it is made, showing exactly what it is. After that is done, if people want to buy it, let them have it. If they do not want to buy it, let them let it alone. That is exactly what I am contending for; but I say this bill requires people to sell what they do not want to sell and makes it a crime if they decline to sell, providing they offer it for sale to other people. [Applause.]

Now, in conclusion, let me say that if this bill should be amended along the lines suggested by the distinguished gentleman from Georgia [Mr. ADAMSON], if the views expressed in his minority report, which are incorporated in his speech of yesterday, and according to the suggestion which he made, requiring that they be labeled, I would gladly support it. Because I want the people to have what they want; I want them to buy what they desire to buy, knowing at the time what they do buy. When that is done, then the citizen himself will be satisfied, the laws will be enforced, and the country will prosper and the functions of the Government will be used and exercised in accordance with the theory upon which it was founded.

It was founded upon the idea that it should be governed by the people, and not that the people should be governed by the Government; that it should be a government in the hands of the people, to be used by them for their advancement, for their welfare,

and for their prosperity; that they should be permitted themselves, through their own agents and officers, to manage and control the Government and to use it in such a way as to give them the greatest liberty consistent with good government, to give them the greatest privileges consistent with the welfare of themselves, their neighbors, and others. [Applause.] And so long as the Government pursues that course its flag will ever wave as an emblem of liberty and of purity and will stand for the prosperity and for the good of all the people alike; but when the Government is turned into the narrow channels of the investigation of these minor affairs, these private and domestic and local concerns within the communities, the homes, the counties, and the households of the people, then its powers will be directed in a manner which the founders of the Government never intended.

Long may this country prosper and may this Government continue to exist so long as it is used for the good of the people, and I trust the day will never come when it shall be taken out of the hands of the people and placed absolutely in the hands of the favored few, to be administered for their own good and to the detriment of the people at large. [Applause.]

I believe in a "Government of the people, by the people, for the people," and I pray it may "never perish from the earth," and to this end may God save us from paternalism, centralization, and empire, and preserve for this and future generations the time-honored, liberty-loving, blood-bought Republic of the Fathers in its pristine beauty and simplicity, and thus bless humanity and quicken the world to sublimer thoughts, purer aspirations, and nobler achievements. [Prolonged applause.]

Mr. ADAMSON. Mr. Chairman, will the gentleman from Iowa now consume some time?

Mr. HEPBURN. The gentleman from Alabama [Mr. RICHARDSON] desires to be recognized.

The CHAIRMAN. The gentleman from Alabama [Mr. RICHARDSON] is recognized.

Mr. RICHARDSON of Alabama. Mr. Chairman, it was not my intention as a member of the Interstate and Foreign Commerce Committee making a favorable report on this bill to make any remarks upon the subject at all, and I do not intend now to undertake to analyze it or to discuss at length its different provisions and clauses, for the reason that that duty has been very ably performed by the gentleman from Ohio [Mr. TOMPKINS] who reported the bill from the committee.

I have listened with a good deal of interest seeking to ascertain and find out what really is the tangible objection that has been made by any gentleman who has taken the floor against this bill. No gentleman has yet said that impure and unwholesome food ought to be sold to the public. I have heard the elaborate speech of my worthy and distinguished friend from Mississippi [Mr. CANDLER], and really with great deference to him and respect for his remarks, the reference that he made to "the bear hunt of the President" in Mississippi was just about as germane and pertinent to the subject-matter of this bill as any other feature of my friend's delightful and entertaining speech.

The gentleman really failed to point out any specific objection to the bill. He spoke freely of many evil practices that have grown up in certain legal procedures in the country; but this bill is not amenable to such criticisms.

Mr. Chairman, the gentleman stated that he was in favor of "pure food." That remark is subject to the same criticism that was once made of a distinguished gentleman from New York who was very thoroughly criticised throughout the entire country when he said, "I am a Democrat."

The gentleman from Mississippi [Mr. CANDLER] in his argument states that he is in favor of all the food products that are not deleterious to health being branded and sold, but that this bill prohibits such a thing as that. If the gentleman from Mississippi will carefully read the bill he will certainly find out that he is mistaken about the provisions of the bill relative to food not deleterious to health.

This bill, Mr. Chairman, when it is properly analyzed makes no inhibition whatever upon the sale of any product that is not deleterious to health. The bill merely requires that a label shall be upon the product informing the purchaser what it is. It does not prohibit the sale or manufacture of it. It simply says when you put anything on the market that you want to sell you must put a label on it showing just what it is. That is all. It does not prevent it. It does not prevent the manufacture or sale.

Now, Mr. Chairman, the object of this bill—and we may criticize the mode and the manner of its enforcement as much as we please, we may make hypercritical criticism upon its verbiage—but the object of the bill is to prevent deceit and fraud. There can be no question about that being the aim and end of the bill. It is to protect commerce, it is to protect not only the man that makes, but also to protect the man that sells, and to protect the man that buys. What possible objection can be made to protecting the public against impure food?

I am sure that I feel as much attached to what is known as the rights of the States as any man on this floor. I would not concede to any man more earnest, devoted loyalty to the rights of the States than I have myself. In the elaborate hearings on this bill, that extended over weeks and weeks of time, with many of the most qualified and experienced men in the country on the subject giving their testimony in these hearings, contained as it is in a book—large book—which I hold in my hand, we came to the conclusion that it was necessary and right to insert for the sake of the opinion of a great many men upon the question of State rights section 10 of the bill. I earnestly favored the insertion of section 10, which I read:

SEC. 10. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States.

What gentleman advocating or upholding the doctrine of State rights can ask anything more than that provision in the bill? Then the question comes back, Are we willing to have no relief, when the hearings before this committee develop the stern and solemn fact that in those States my friend from Mississippi refers to which had enacted legislation on the subject of pure food, that that legislation in nearly every single instance had been an absolute and dismal failure? No one can deny that the only way of relief was under that provision of the Constitution of our country which gives to Congress the right to regulate commerce. This simply regulates commerce between the States, and the only object this bill has is to protect the public and the people against fraud, deceit, and misrepresentation about the products constituting impure food. Is this a character of legislation that is offensive to your idea of the rights of States?

Why, the gentleman from Mississippi [Mr. CANDLER] has arraigned the Federal courts. I am not here, Mr. Chairman, to put up a straw man and then knock him down. In all such measures as this, which is the initiatory step in a great movement to protect the public in the purity of food, we must rely to a great extent upon the common sense and justice of the courts of the country in the enforcement of the law; and if there are defects discovered in the enforcement of the law, let them be properly amended in a proper way and at the proper time.

I say, Mr. Chairman, that the gentleman from Mississippi misunderstands the whole scope, spirit, and purpose when he states that the bill punishes a man who sells food that is not deleterious to the health of the people. As I said in my opening remarks, the bill does not in terms prohibit the sale of any product deleterious, however adulterated, nor does it lay its inhibition on the sale of an adulterated product, but it does provide that adulterated foods and drugs shall be placed upon the market under their true names and in such a manner as to advise the purchaser of what he is getting. Does anybody object to that? If I go to the corner-grocery merchant and he proposes to sell me food, have not I the right to know what he is selling me? Have not I the right to know whether that product is a fraud, a deceit, or misrepresentation practiced upon me? The bill, Mr. Chairman, expresses better than I can what its real purpose and object is in the case of food:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Mr. PADGETT. Mr. Chairman, may I ask the gentleman a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. PADGETT. Speaking about the corner-grocery retailer, do you think the bill is sufficiently safeguarded for the protection of the innocent retail dealer?

Mr. RICHARDSON of Alabama. I am glad you called my attention to that.

Mr. PADGETT. I would be glad to have some information on that point.

Mr. RICHARDSON of Alabama. I believe the object and purpose of this bill, if carried out in the spirit that it is intended to be carried out, no innocent man will ever suffer. It is only intended to reach out after the guilty.

Mr. PADGETT. I understand that is the purpose, but does not the scope of your bill make it so that a burden will be laid on the retail dealer without any purpose or intention to commit a fraud?

Mr. RICHARDSON of Alabama. No; I think not. I heard your remarks here yesterday, and did not agree with you.

Mr. PADGETT. Do you not make the simple fact that they are in possession of those goods guilt?

Mr. RICHARDSON of Alabama. Your criticism, if I understood it yesterday, was that the word "knowingly" ought to be there.

Mr. PADGETT. Or some equivalent word.

Mr. RICHARDSON of Alabama. I appeal to my friend as a lawyer, and a good one, as I know he is, if that word was inserted

in all the penal statutes that prevail in this country, how many men would ever be convicted?

Mr. PADGETT. That or an equivalent word is in nearly all the statutes. Does not this act, as worded, make the act of possession of adulterated goods in the hands of a retail dealer an offense?

Mr. RICHARDSON of Alabama. I think not.

Mr. PADGETT. I mean independent of any scienter or intention.

Mr. RICHARDSON of Alabama. No, I do not believe the gentleman's construction is correct. I believe in a law like this, which is not simply the result of the last twelve months of thought, but has been under discussion for years. Many efforts in years past in various forms of attempted legislation have been made, and whenever you get a bill of this kind of course there is language and verbiage in it, phrases, etc., that will have to pass through the crucible of fair and just and honest courts. But when you follow it up you are not going to find the courts of this country disposed to punish innocent men. I might say to my friend from Tennessee [Mr. PADGETT] that a man who is in possession of stolen property has to explain. Why should not a like rule apply to a man found with impure and adulterated food which he proposes to sell to innocent purchasers?

Mr. PADGETT. Does not the gentleman think the law should be safeguarded, so that you will not have to rely on the humanitarian principles of the courts?

Mr. RICHARDSON of Alabama. Yes; I agree to that, but that very matter, the point that the gentleman now suggests, was fully discussed and elaborated before the committee, and we got it in the very best practical shape we could to carry out the purposes and the objects, which is to prevent deceit and fraud. Does not the gentleman believe that a man ought to be punished who sells an article of food that is adulterated?

Mr. PADGETT. Yes; if he does it "knowingly," he ought to be; but suppose he does it innocently?

Mr. RICHARDSON of Alabama. If he does it innocently, then he ought to be acquitted.

Mr. PADGETT. That presents precisely the issue that I want to call the gentleman's attention to. Should there not be a provision in the bill that a retail dealer should not be held guilty, or should not be convicted, if he can show that he has sold it in good faith, in the exercise of reasonable diligence; that he purchased these goods, and is himself free from any intention to do wrong?

Mr. RICHARDSON of Alabama. If he complies with the terms and provisions of this bill that condition of affairs would never arise. If he complies with the law he could not be convicted.

Mr. PADGETT. The bill provides that he shall be held to be guilty if he has the goods in his possession, qualifying it with the provision that he may protect himself by securing a written guaranty from a resident wholesale merchant or manufacturer. But it eliminates entirely from the bill any guaranty from a foreign wholesale merchant or manufacturer. Now, then, if he has in his possession foreign goods he is liable to conviction regardless of his intent, or his purpose, or knowledge, or want of knowledge.

Mr. RICHARDSON of Alabama. I do not agree with the gentleman from Tennessee as to the insertion of the "knowingly." If you do that, you would never have a conviction, and you would make it impracticable, and you could not carry out the provisions of this bill. You would destroy its efficiency.

Mr. PADGETT. As the bill reads now, could not a man be convicted in the absence of knowledge?

Mr. RICHARDSON of Alabama. If the gentleman inserted "knowingly" as a provision in the bill he would turn out thousands of guilty men and destroy the purpose of the bill.

Mr. PADGETT. Does the gentleman from Alabama think that we should enact legislation that would convict men entirely free from all purpose and intent to do wrong?

Mr. RICHARDSON of Alabama. Oh, no. That is a speculative question and one that it is not worth while to discuss here. On general principles, I would say that I do not believe in any such thing. I do not believe in convicting innocent men. A man must be convicted according to the ordinary rules prevailing in the courts of the country. If the man is shown to be guilty of selling you or me or any other citizen of this country adulterated food, why, I think that he ought to be required to label it what it is and let us know it. If he does not do it, and puts it on the community under false representations, then I think he is guilty of fraud and should be punished.

Mr. PADGETT. One other question. The retail dealer selling adulterated goods, although it may be labeled, is made guilty under this bill without any reference to his knowledge of the adulteration.

Mr. RICHARDSON of Alabama. You say the retail dealer who sells goods properly labeled—

Mr. PADGETT. No; I said labeled, but not in conformity with the label is made guilty without his knowledge of the fact that it does not correspond to the label.

Mr. RICHARDSON of Alabama. Then he has not complied with the law and has not labeled it according to the adulterated product.

Mr. PADGETT. Yes; but that duty devolves upon the manufacturer.

Mr. RICHARDSON of Alabama. The dealer can get a certificate from the manufacturer.

Mr. PADGETT. But not from the foreign manufacturer.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, I have briefly given my views as a member of the Interstate and Foreign Commerce Committee on this question, and I take this occasion to say relative to the deliberations of the committee on this subject that I do not believe any question has been before that committee since I have been a member of the committee to which more careful attention has been given to its consideration than this bill received at the hands of the committee. We have either to adopt this kind of legislation, Mr. Chairman, or we have got to submit to what every man knows is going on in the country—the most extravagant and barefaced frauds relative to the purity of our foods. All kinds and character of adulterants are being used, and the public absolutely helpless to check or prevent it. This bill is a step in the right direction. It is not perfect. No supporter contends that it is. It has some defects, and on that we all agree, but its chief end is right, and it ought to become the law.

This is the only alternative that is left us. The State has failed in this matter; there is no question about that. That was the proof before the committee, and we must either accept this bill or submit to evils too grievous to be borne. It seems to me such criticisms as that of my friend from Mississippi in regard to inquisitorial proceedings should not be raised against a measure of this kind. Why, sir, you and I might stand here and go back into the past history of our section of the country; we might talk about matters of wrong, the unjust imposition of taxes, and everything of that kind. But is this a measure justly liable to objections of that kind in any shape or form?

Oppressive proceedings in connection with the collection of the internal-revenue tax upon whisky have been spoken of; "moonshiners" have been referred to. But, sir, a great many of the people engaged in such proceedings believe that they have an inherent right to manufacture whisky in the gorges of the mountains, along the little streams. The law pursues them, in a great many instances, with a good deal of unnecessary rigor. But does any objection of that kind apply to the bill we now have under consideration, the whole purpose and object of which is, as I stated at the beginning, simply to prevent fraud and deceit? That is all that this bill contemplates doing. It may be that after it goes to the courts it may have to be modified or amended as to the procedure to be adopted.

Mr. STEPHENS of Texas. As a lawyer, does the gentleman think that any man should be punished for any act unless he has in that act a criminal intent?

Mr. RICHARDSON of Alabama. No, sir.

Mr. STEPHENS of Texas. Then are you not willing that the word "intentionally," or "knowingly," or some qualifying word of that kind be placed in the bill?

Mr. RICHARDSON of Alabama. Does not the gentleman know as well as I do that intent is frequently inferred from an act?

Mr. STEPHENS of Texas. It seems to me it can do no harm to insert in the bill some such word as "intentionally," "knowingly," or "willfully."

Mr. RICHARDSON of Alabama. But, I ask the gentleman, is it not a fact that in the administration of the criminal law intent is frequently inferred from an act?

Mr. STEPHENS of Texas. Then put in the word "negligent." That would cover the gentleman's point. Let some qualifying word be inserted.

Mr. RICHARDSON of Alabama. Mr. Chairman, in response to my friend from Texas—and I am glad he has asked the question—allow me to say that I am not in favor of punishing any man under this bill (and the bill does not favor such a proceeding) who is innocent. I am not in favor of punishing any man who goes before the public and puts a label upon his goods showing exactly what he is selling. I am entitled, as are other men, to know exactly what I buy to eat.

The gentleman from Mississippi says that this bill proposes to invade "the dining room"—to invade the private affairs of a family. He says the bill is objectionable because it is "inquisitorial." Well, sir, we have heard such language very frequently in the past; but, sir, I think that many of us are inclined to make a great mistake in imagining that the question of State rights appears in every matter that comes up on this floor. There is always a well-defined line of State rights, which very few object to

recognizing. No man will say for a moment that the Constitution of the United States does not provide for the regulation of commerce between the States. That is all that this bill proposes to do—to regulate commerce by protecting the man who makes or sells an article honestly.

Mr. ROBB. Will the gentleman allow me to refer to the contention made by the gentleman from Texas and the gentleman from Tennessee, that the word "knowingly" should be inserted in the bill? If that word were inserted, would it not be incumbent on the Government, in order to make out a case, to show, in the first instance, that the party selling the article had sold it knowing that the goods were adulterated; whereas if that word be omitted, then if in any case a party should happen to sell goods without knowing that they were adulterated, although there might be a presumption of guilt, the defendant would still be at liberty to show as a matter of defense that the sale was not made knowingly?

Mr. RICHARDSON of Alabama. The suggestion of my friend is very pertinent and one that I accept. That is just the line of discussion that was followed in the committee in framing this very feature of the bill. When you put any allegation in an indictment the State must prove it absolutely; so in this case if the word "knowingly" were inserted the State would have to prove absolutely that the goods had been sold knowingly. How could that be done?

Mr. GAINES of Tennessee. This is similar to the case of a man arrested for counterfeiting because he has counterfeited money in his possession. Although that fact would of itself be "some evidence" of guilt, it would not mean that he would necessarily be guilty or found guilty. He could be acquitted on showing that the money had come innocently into his possession.

Mr. RICHARDSON of Alabama. The bill does not cut off any proper legal defense that he may be able to make.

Mr. GAINES of Tennessee. Not at all.

Mr. RICHARDSON of Alabama. I think the suggestion of the gentleman from Tennessee is a good one. It is in line with suggestions that are familiar to all lawyers.

Mr. ROBINSON of Indiana. I am averse to occupying the gentleman's time, but as he has evidently given much consideration to this bill, I wish to ask him a question. Section 11 of the bill invokes the power of Congress under the Constitution to regulate interstate commerce, and I think the principle of that section is sound. Now, I want to present to the gentleman a proposition upon another branch of the subject. Assuming now as the hypothesis that we describe by law trust-made articles as being against public policy in the arbitrary control of prices and productions, could not this principle embodied in section 11 of the bill be applied to that case? It reads as follows:

SEC. 11. That any article of food or drug that is adulterated or misbranded within the meaning of this act, and is transported or being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States, within the district where the same is found and seized for confiscation, by a process of libel for condemnation. And if such article is condemned as being adulterated the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States.

Therefore, describing the trust article as against public policy, could not that, under this same principle and same procedure, be seized and sold and the proceeds placed in the United States Treasury?

Mr. RICHARDSON of Alabama. Under this bill or under a bill like it?

Mr. ROBINSON of Indiana. Under a bill like it.

Mr. RICHARDSON of Alabama. I think the gentleman is right about it. Mr. Chairman, I yield back my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, I would be glad to know if there is any gentleman in opposition to the bill who wants further discussion? If there is not, I would like to close the debate. I will yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, this bill proposes to control "interstate traffic," under the commerce power granted Congress, including the trade into and within the Territories and the District of Columbia. Section 10 provides "that this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States," similar to the provision that I wanted inserted into the bill passed here a few days ago with reference to "diseased stock."

The "police power of the several States" covers not only State "commerce wholly internal," but goes further and applies to "noncommercial interstate commerce," the articles nominated in this bill being so classed and denounced by Congress.

This seems to me the construction to be placed on this part of the bill under the Austin case (179 U. S. Rep.) and the Reed

case, for we must see Congress does not take "entire" control of this interstate noncommercial traffic and expressly recognizes the continuance of this police power in the States.

In the Addyston Pipe trust case (175 U. S. Rep.) the Supreme Court of the United States in explicit language says:

Congress may * * * prohibit the performance of any contract between individuals * * * to directly regulate, to any substantial extent, interstate or foreign commerce. * * *

"The power of Congress to regulate commerce comprises the right to enact a law prohibiting the citizen from entering into contracts which directly and substantially and not merely remotely, incidentally, and collaterally regulate, to a greater or less degree, commerce among the States."

"The power to regulate interstate commerce is, as stated by Chief Justice Marshall, full and complete."

"Why, then," I said in my speech in the House June 2, 1900, "should not Congress prohibit interstate trust combines," and stop the shipment of their goods from one State to another—and I still so insist.

Again, in the case of Crutcher against Kentucky—a case where that State taxed a corporation doing an interstate business—held invalid; but the court, through Mr. Justice Bradley, said it is the "duty" of Congress to protect the people of the United States from being imposed upon by foreign corporations or concerns dealing in interstate or foreign commerce. Mr. Justice Bradley, for the court, said:

Congress would undoubtedly have the right to exact from associations of that kind any guarantees that it might deem necessary for the public security and for the faithful transaction of business, and as it is within the province of Congress, it is to be presumed that Congress has done, or will do, all that is necessary and proper in that regard.

The prerogative, the responsibility, and the duty of providing for the security of the citizens and the people of the United States in relation to foreign corporate bodies or foreign individuals with whom they may have relations of foreign commerce belong to the Government of the United States and not to the several States, and confidence in that regard may be reposed in the National Legislature without any anxiety or apprehension arising from the fact that the subject-matter is not within the province or jurisdiction of the State legislatures.

And the same thing is exactly true in regard to interstate commerce as it is with regard to foreign commerce.

Citing many cases. This case you can find in 141 United States Report, pages 57-58.

Mr. Chairman, Congress has from time almost immemorial "prohibited" objectionable commerce if it is international or interstate. This is shown, notably, by the embargo acts way back almost a century ago, generally discussed and approved as valid legislation in the Clark-Fields case. (143 U. S. Rep.)

We have prohibited the bringing to the United States certain objectionable immigrants—idiots, insane persons, criminals, polygamists, and Chinese—by the acts of 1891, 1894, 1882, and 1875. We prohibited the importation of convict-made goods by the Wilson tariff act of 1894.

We have prohibited this, that, and the other. For instance, only last year—and I believe the gentleman from Georgia [Mr. ADAMSON] and the gentleman from Mississippi [Mr. CANDLER] supported the bill; at least I feel quite sure that they did not object—we passed what is known as the Lacey bill, which prohibited the sale and transmission of birds from a State prohibiting their killing to another State.

I have quite a long list of such legislation enacted by Congress, by both Democrats and Republicans, which I incorporated in my speech delivered in this House on June 2, 1900, to be found at page 686 of volume 33, part 8, Appendix, of the Fifty-sixth Congress, first session.

Further on down in this speech I say Congress has prohibited the importation of adulterated or unwholesome food or products and drugs injurious to health by the acts of August 30, 1890, March 2, 1897, and the importation of diseased cattle, under act of August 13, 1890; the importation and exportation of diseased cattle, act August 30, 1890, and interstate commerce in diseased live stock, act of May, 1884; the exportation of slaughtered meat, by the act of March 3, 1891. Then we have prohibited often many things being sent and sold to Indians.

All these acts were founded on this commerce clause.

So, Mr. Chairman, as I say, from time to time, both Democrats and Republicans have supported laws which prohibited the transportation of things objectionable, interstate and foreign products, from one State to another.

Now, I fully appreciate what my distinguished and eloquent young friend from Mississippi [Mr. CANDLER] has said on State laws, etc., but really, with all due deference to him, I do not think he fully appreciated the purpose or effect of this bill.

It does not interfere with any right possessed by the State, as I now understand the bill. It aids the States. When Congress acts as to interstate commerce—takes the matter entirely in its control, as was held in the Reed case—State laws are inoperative as to such commerce; but in this case the police laws of the State remain intact. There is an express provision in this bill, as I have shown—section 10—wherein it says that State commerce and the laws pertaining to the same and the police powers of the State shall not be disturbed. I can not possibly see how any

State rights man can possibly object to this kind of a bill under all the circumstances.

The gentleman from Mississippi [Mr. CANDLER] says this bill says what we shall have on our tables to eat and drink. Well, have the States the right to say that we shall not have arsenic for breakfast? The State can say you shall not have strychnine for dinner. The State can say you shall not have opium for supper. The State can say you shall not sell or use any of these articles except on the prescription of a physician, or it can prohibit their sale and use outright—because dangerous to life and health.

Now, that each of these things can become a subject of interstate or foreign commerce, Congress can come up and help the State, as provided in this bill, and say that you shall not bring from one State to another, or import from any foreign country, any one of these drugs, or diseased clothes, or diseased cattle, or anything that is in derogation of the public health, the public morals, or the public welfare.

That has always been the law. Simply because Congress in this case has not taken charge and said, "You shall not do so and so" with interstate traffic is no reason why Congress can not now legally do so under this commerce power so clearly defined.

In no case has this power been more clearly defined than in the Addyston pipe case and in the Reed case, the distinction being drawn in both, especially in the pipe case, that Congress has the right to "prohibit" interstate commerce, while in the Crutcher case the court said it was the "duty" of Congress to stop objectionable interstate commerce to protect our people.

Again, in the Reed case the court said where Congress takes exclusive charge of interstate commerce, then that suspends the operation of the State laws. But that is not this case. The bill expressly exempts that; and while there may be other provisions in the bill with which I am not familiar that we can amend later on, certainly the power to pass a bill controlling such interstate and foreign commerce, and that alone, is clearly within the power of Congress, and for the present I can not see anything objectionable in the bill. We can eliminate any objectionable features later on.

Will my friend from Iowa yield to me a minute more?

Mr. HEPBURN. I yield a minute more to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, just on the point on which my friend from Alabama [Mr. RICHARDSON] was interrogated by my colleague [Mr. PADGETT] I wish to say: Take, for example, a case of passing counterfeit money. When you have a counterfeit bill in your possession it is "some evidence," at least, of your being guilty of passing it. You are certainly guilty of having it in your possession, but that does not in any wise prohibit or bar the party from making his defense in court and saying: "Well, I got it innocently, in due course. I got it from Smith & Co." Smith & Co. will prove that they got it innocently from the Riggs Bank, we will say, and then the Riggs Bank will say: "We got it innocently from the United States Treasury only a few minutes ago," and so on. This bill does not bar any man from such defense. Of course, a very high law says, "Thou shalt not kill."

The State law mitigates that, and says you shall not kill under certain conditions; that if you do you are guilty of murder. But that does not bar the defendant from proving his intent. Under this bill you can prove the intent and show your certificate of purchase. Still, Mr. Chairman, the language might be modified so that a blind man might see that no one is barred from that kind of a defense. As it is, the bill may not be too drastic, as the subject treated is one where many frauds can be imposed on the people and it will be hard to prove guilt.

Mr. PADGETT. The State law says you shall not willfully, deliberately, etc., kill. It does not say in specific terms that you shall not kill.

Mr. GAINES of Tennessee. Well, I was quoting a higher law, with which my friend is more familiar than I am. Still the questions of intent and honest belief are questions susceptible of proof in several ways.

Mr. PADGETT. The killing is always qualified, and the character of the killing is specified in order to constitute murder.

Mr. GAINES of Tennessee. You will agree that this does not bar the proving that the party has not intentionally or willfully or knowingly bought these goods that are outlawed.

Mr. PADGETT. That is the very question that I am raising. It makes the specific act of having possession of the goods a criminal act because of the intent with which the person has possession.

Mr. GAINES of Tennessee. Suppose a man is indicted. He is indicted for having outlawed goods in his possession. When you prove the goods in his possession and that they are such and such goods, and that they are outlawed, then the burden is on him to show how he got them into his possession innocently.

Mr. PADGETT. Why not give him an opportunity to prove that?

Mr. GAINES of Tennessee. Why, of course, the burden then shifts upon him at once, and he can show his certificate of honest ownership under this bill.

Mr. HEPBURN. I would like to inquire of the gentleman from Georgia if he desires to use more time? I would like general debate to close in fifteen minutes.

Mr. ADAMSON. I will say to the gentleman that no other gentleman has requested time from me.

Mr. HEPBURN. Would it be satisfactory if twenty minutes from now I ask for the reading of the bill?

Mr. ADAMSON. I say no gentleman on this side has requested any time. I have nothing further to say.

Mr. HEPBURN. Then I yield five minutes to the gentleman from Maryland.

Mr. SCHIRM. Mr. Chairman, when the gentleman from Ohio [Mr. TOMPKINS] was making his speech yesterday I put some questions to him in respect to the effect of the punishment provided. I do not wish to be placed in the position of antagonizing this bill. While I do not think it is at all a perfect measure, and perhaps no bill is, yet I would rather vote for it with those provisions that I consider objectionable than not to vote for it and thus lose its beneficial effects. Diseases of the stomach are on the increase in this country, and the time has come when something must be done to raise the standards of food we eat. Our pantries have become repositories for harmful drugs, so that it is not strange that Americans take readily to the use of medicines. We take drugs with our foods every day, and have become so practiced in the art that we do not even turn our faces awry at the strongest drugs.

Fortunes are being built up upon the wrecks of human bodies. Manufacturers are making large fortunes from the misfortunes that they are forcing upon the public. Nearly every article of common food has been counterfeited. We sit down to the table expecting to use catsup, when, as a matter of fact, we are using ground turnips or carrots that are dyed and doctored. This catsup never turns its color. It is always a beautiful brick color; altogether unnatural to the tomato, and we eat it in cold blood, knowing that it is deleterious matter. Why, the dining room, could we look into the properties of the various things put there as wholesome food, could we understand the true nature of things we eat, would impress us as a chamber of horrors rather than as a place for the upbuilding of the human system through wholesome foods.

This bill provides that under the direction of the Secretary of Agriculture a commission shall be appointed, consisting of physicians of well-known and high reputation, to fix the standards of food. This proposition has been objected to as perhaps too paternal in its effect. The fact is that we are allowing a certain unscrupulous class of manufacturers to fix a low standard in this country by the use of hurtful drugs and harmful, deleterious matter. A wise provision of this law is that it fixes the maximum penalty and not the minimum penalty; so that in cases where there is a violation of the law, without any serious criminal intent or through mistake, the judge can use his discretion in fixing a small fine or a short term of imprisonment, or both.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. Mr. Chairman, I move that all debate be closed in fifteen minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that general debate be closed in fifteen minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HEPBURN. Mr. Chairman, I am satisfied that this bill is not a perfect one. I do not believe that it met in its entirety the views of any member of the committee that reported it. But it was the best possible bill attainable. It was prepared by a committee appointed by the pure-food congresses that from time to time have met in this city.

I understand that it was unanimously approved by the last and largest of these conventions, although it is but fair to say that there is a dispute as to the unanimity with which it was adopted. At all events, it is the best exposition of the view of those most interested in the question that has been up to this time attained. It is not as drastic as I would have drawn it. It does not interfere with the legislation of the States. I would have made it interfere if I had had the power. It does not in any degree, and it expressly so avers, interfere with the police power of any of the States. I would have omitted that declaration if I had drawn the bill. So that there has been compromise and concession upon the part of nearly all those who have taken an active interest in the legislation in the hope of getting something. There is a demand for it. I believe I would be justified in saying that no subject that has attracted the attention of Congress in the last five years has been so unanimously petitioned for as has this measure or some measure of this character.

One reason why so many ask it is because of the diversified

legislation of the States. Thirty-six States have legislated upon this subject, and I am told by those who have studied the subject that no two of those statutes are alike. The merchant in the city of Baltimore or in the city of Boston trading in Iowa is required to put one kind of a label upon his goods, in Illinois another, and in Missouri another. There is no uniformity, and he meets with constant difficulty because of this want of uniformity. The friends of uniformity have said before the committee that has reported this bill that by securing this legislation it was believed that the States will change their enactments to conform to it as far as practicable, so as to have uniformity.

One great difficulty in the way of prosecutions is in the ascertainment of the real character of the article sold. The belief is general that very many of the articles that enter into our daily food that we buy in the market or in the corner grocery are adulterated. They are not genuine; they are not what they purport to be. There is an attempt, and a successful one, to defraud—to sell the cheaper and the less perfect article for the dearer and more perfect. This bill seeks to correct these evils by the creation of proper standards, and by providing the means by which the real character of the goods can be ascertained in a way fair and just to all parties.

There is much of power, and that is complained against in this bill, lodged in the hands of the Secretary of Agriculture. You must lodge the power somewhere if you are to correct the evils that the legislation is directed against. It must be lodged somewhere. I do not know of anyone fitter to hold this power than the Secretary of Agriculture, with the limitations that are put about him. He can not, as his mere ipse dixit, say that this article or that or the other is not lawful and therefore under ban. He has his means of such ascertainment and is bound to their use. He must have in cooperation with him, first, a man in charge of the Bureau of Chemistry—its director. He must have five medical men, three of them from the Government—from the Army, from the Navy, from the Marine Corps—two from civil life appointed by the President, and then must, in addition to that, have the cooperation of the five that are appointed by the Agricultural association of the United States, the chemists of their choice, and surely that ought to constitute a tribunal that the people of the United States would be willing to trust. If you will not trust them, where can you lodge this power? Some one must determine; and then, at most, the determinations of these men, so carefully secured, are but prima facie evidence in the courts. Their determination may be assailed just as any other question of fact. The only advantage there is to the Government is the prima facie character of the proof thus secured.

Now, Mr. Chairman, there were objections to this bill from all portions of the country, I will admit; but they are the persons that the law is feeling after. The gentleman from Massachusetts yesterday made a most lachrymose plea for the codfish of Gloucester. His argument, when it was reduced to its ultimate, was that there were certain persons in Gloucester who were engaged in producing codfish; that they could not reach my constituents in Iowa, for instance, with their codfish without they could wash their codfish with boracic acid, and, therefore, that they might continue the lucrative traffic in codfish, they must have the privilege of selling boracic acid to the people of Iowa as an article of food.

Now, gentlemen must know that it is to prevent the Massachusetts men from selling boracic acid to innocent Iowans that this bill is brought forward. At least, that is one of the purposes. But after I had listened to the speech of the gentleman in regard to the codfish, as I passed out of the corridor a gentleman who has taken much interest in this bill, who knows what he is talking about generally, informed me that it was not codfish that they wanted to preserve. He said that the codfish that you and I know, Mr. Chairman, a slab-like substance composed of bone and salt that sells upon the market, that that was well near indestructible, as indestructible as a cottonwood board; it may fuzz up and blow away in the wind, but that was the only way in which you could destroy it; you could not burn it and you could not rot it. [Laughter.] In other words, you could not make codfish worse than it is when it leaves Massachusetts by any lapse of time. [Laughter.] But he said that there were some other fish of a more delicate character that could not be preserved in salt, and that could not reach the interior of the country without they had this bath of boracic acid. [Laughter.]

Now, I do not know whether that is true or not. I will hunt up the gentleman who gave me this valuable information and will turn him over to the gentleman from Massachusetts and let him wrestle with the question of fact. But I do know this: I know there are other men opposing this bill simply because it will interfere with their business; and as a witness that it ought to be interfered with, I call upon the gentleman from Massachusetts to speak. In fact, he has spoken. He tells us, "I know that boracic acid is deleterious." He tells us that while it is dele-

terious yet we can wash it out. He recognizes the fact that it ought to be washed out. Why? Because it is deleterious.

Mr. GARDNER of Massachusetts rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GARDNER of Massachusetts. Mr. Chairman, I should like to ask the gentleman from Iowa in what part of my remarks I admitted that boracic acid was injurious?

Mr. HEPBURN. I can not tell in just what part. I will remind the gentleman of what I am referring to, and he can tell what part. He said that Dr. Wiley—the first chemist, perhaps, in the United States, the man who is now and probably would be charged with the execution of this bill—he said that Dr. Wiley will decide against us, that Dr. Wiley will decide that boracic acid is unhealthful. I am quite confident that the gentleman specifically said, "I believe boracic acid to be unhealthful." If he did not, then I am perfectly willing that he should have the benefit of his denial.

Mr. GARDNER of Massachusetts. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Iowa yield further?

Mr. HEPBURN. Yes; for a question, or for a denial, or for a correction of myself.

Mr. GARDNER of Massachusetts. I stated that Professor Wiley believed that boracic acid was harmful, because he had been in the midst of a controversy with the best German authorities on that question. Professor Wiley has taken one side and the German authorities, as I understand, have taken quite different view. My personal argument, if I expressed myself as I think I did, was something like this: Granted that boracic acid is harmful—taking Professor Wiley at his word—

Mr. HEPBURN. I am willing to have my remarks modified by that statement.

Mr. MANN. Will the gentleman yield for a suggestion?

Mr. HEPBURN. Yes, sir.

Mr. MANN. I want to call the gentleman's attention to the fact that Professor Wiley testified in the hearings before our committee that "the Hepburn bill as it stands to-day would not operate in any way to prohibit the use of any such substance," referring to boracic acid. So that this is not a matter that has been determined by Professor Wiley.

Mr. HEPBURN. Now, Mr. Chairman, the gentleman's contention that the German chemists are insisting that boracic acid is not harmful must be erroneous, because this bill has been urged upon us for the reason, among other reasons, that our foods are being excluded from German markets because of the presence of boracic acid. The Germans are excluding our foods and we are suffering in the markets because of the proceedings of these gentlemen.

If my contention is true—if this mode of treating codfish, or something or other that is called codfish, is unwholesome, why not give us the benefit of this legislation? If it is wholesome, who is hurt? No one, because I undertake to say that under the provisions of this law every man engaged in the manufacture of food can protect himself if the article that he produces is not harmful to human health.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. HEPBURN] has expired. The time for general debate has also expired. The Clerk will proceed to read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of protecting the commerce in food products and drugs between the several States and in the District of Columbia and the Territories of the United States and with foreign countries the Secretary of Agriculture shall organize the Chemical Division of the Department of Agriculture into a bureau of chemistry, which shall have the direction of the chemical work of the present Division of Chemistry and of the chemical work of the other Executive Departments whose respective heads may apply to the Secretary of Agriculture for such collaboration, and which shall also be charged with the inspection of food and drug products, as hereinafter provided in this act. The Secretary of Agriculture shall make necessary rules and regulations for carrying out the provisions of this act, under which the director of the bureau of chemistry shall procure from time to time, or cause to be procured, and analyze, or cause to be analyzed or examined, chemically, microscopically, or otherwise, samples of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from a foreign country, or intended for export to a foreign country. The Secretary of Agriculture is hereby authorized to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this act and to make such publication of the results of examinations and analyses as he may deem proper.

Mr. ADAMSON. Mr. Chairman, is it in order to move to strike out the enacting clause?

The CHAIRMAN. In the opinion of the Chair, a motion to strike out the enacting clause would be in order at this time.

Mr. ADAMSON. I make that motion.

The question having been taken,

The CHAIRMAN. The yeas appear to have it.

Mr. ADAMSON. I call for a division.

The question was again taken; and there were—ayes 12, noes 53. So the motion of Mr. ADAMSON was rejected.

Mr. MANN. I have an amendment which I send to the Clerk. The Clerk read as follows:

In line 15, page 2, strike out the words "necessary to carry out the provisions of this act" and insert "hereafter provided by law."

Mr. MANN. I call the attention of the gentleman from Iowa [Mr. HEPBURN] to that proposed amendment. The bill as it stands gives to the Secretary of Agriculture unlimited power to employ persons in connection with his Department, a provision which is contained, I believe, in no other law. The usual provision is to authorize such persons to be employed as may be provided by law or by Congress, which means in an appropriation bill. I do not think that the gentleman from Iowa can have any objection to this amendment. Professor Wiley in his testimony before our committee was asked as to whether in his opinion there ought to be any limitation in the law upon the power of the Secretary to employ inspectors and he said, on page 211 of the hearings, at the top of the page:

I think that would be very desirable, very desirable that the number should be limited by law.

It seems to me that that would remove one of the objections to this bill, which has been that it might at times be used for partisan purposes, for the purpose of blackmail, for all sorts of improper purposes, if there should come an opportunity for an improper official to make use of such power of appointment; but if the power is limited, as I suppose it should be by an appropriation bill, that objection to the bill would be removed. I hope that the gentleman can see his way clear to accept the amendment.

Mr. HEPBURN. Mr. Chairman, the difficulty in the way is this: The matter can not be cured, if left in this way, by an appropriation bill. You can not fix the number. You will have to have some other legislation. Now, would it not be better to allow the discretion to remain in the Secretary of Agriculture for the establishment of this Bureau, and then legislate for those that were in place in an appropriation bill?

Mr. MANN. Why does the gentleman think it could not be provided for in an appropriation bill?

Mr. HEPBURN. Simply because no appointment could be made until the legislation was had. It would be new legislation, and therefore subject to a point of order on an appropriation bill.

Mr. MANN. But the gentleman understands that it would be to carry out a purpose provided by law, so that it would not be new legislation, but simply making appropriation to carry out this plan of the law.

Mr. HEPBURN. That possibly may be so, but I do not think it would be so.

Mr. MANN. If that is not so, then any provision in reference to these people would be subject to a point of order in an appropriation bill. I suppose the gentleman would hardly think that. Now, we make the same provision in all of our other bills and statutes, as the gentleman knows in the bill in reference to the department of commerce. There we put in the bill in a number of places a provision for such clerks and assistants as may be provided by law, clearly giving the power to make the appropriation. I suppose in this case, if this bill becomes a law in time, it could be covered by the urgent deficiency appropriation bill.

Mr. HEPBURN. I am not clear about it myself, Mr. Chairman, although I think the gentleman is in error.

Mr. MANN. I talked with the chairman of the Committee on Appropriations this morning and asked him if, in his opinion, that would give to the committee the power to make an appropriation without being subject to a point of order, and he stated to me that he thought it would.

Mr. HEPBURN. If that is the case, I have no objection to this amendment.

Mr. HENRY of Connecticut. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question. The bill provides for the establishment of a bureau of chemistry. I had supposed that last session of Congress we did establish such a bureau.

Mr. HEPBURN. We have a Division of Chemistry. This is making a bureau. It is simply enlarged so as to meet the purposes of this bill.

Mr. HENRY of Connecticut. I supposed that was done at the last Congress.

Mr. MANN. That was in fact done after this bill was prepared, but it does not make any difference.

Mr. HENRY of Connecticut. By an appropriation bill in the last Congress we did establish a Bureau of Chemistry, with Dr. Wiley at the head.

Mr. HEPBURN. Very well, then we will not have to establish another one.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 7, noes 23.

Mr. MANN. Mr. Chairman, I think that is too important a matter to be disposed of in this way. I shall have to make the point of no quorum present.

The CHAIRMAN. The gentleman makes the point of no quorum present. The Chair will count.

Mr. MANN. Mr. Chairman, I will demand tellers first.

Tellers were ordered; and the Chairman appointed Mr. MANN and Mr. HEPBURN.

The committee again divided; and the tellers reported—ayes 20, noes 41.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, or who, having received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States such adulterated, mixed, misbranded, or imitated foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding \$200 for the first offense and for each subsequent offense not exceeding \$300 or be imprisoned not exceeding one year, or both, in the discretion of the court.

Mr. STEPHENS of Texas. Mr. Chairman, I offer an amendment. In line 8, page 3, after the word "shall" and before the word "sell," I move to insert the word "willfully."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Page 3, line 8, before the word "sell," insert the word "willfully."

Mr. STEPHENS of Texas. I do not wish to debate this matter at length. I simply submit that no man should be punished unless he intends to commit a crime, and I think he will be unless the word "willfully" or "knowingly" is inserted. I think the word "willfully" is the best one to use.

Mr. HEPBURN. Mr. Chairman, I hope this amendment will not prevail. It will destroy the efficiency of the bill. If the burden was upon the Government of showing that a man knew the contents of what he sold it could never be met under a statute of that kind. I want to say that, in my judgment, the people of the United States have gone mad in their solicitude and tenderness for men who are committing crime. Criminals ought to be punished. Men ought to know what they are doing when they are tampering with the health of communities.

The health of invalids, the health of infants, the health of people who have no protection is a matter of consequence. I have no consideration for the class of people who endanger the public health. It is a man's duty to know what he is doing when he is selling to me what may be a poison. At least, he must take such means to ascertain and inform himself as to show his good faith, so that when his conduct is investigated before the court no punishment will come to him. This law is to be administered by judges, by lawyers, by men who know what ought to be done in the construction of a statute, and who will have all proper regard for the defendant. I do hope that the efficiency of the bill will not be destroyed by the insertion of that word.

The amendment was rejected.

The Clerk read as follows:

ADULTERATIONS.

SEC. 6. That for the purposes of this act an article shall be deemed to be adulterated—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopoeia official at the time of the investigation.

Second. If its strength or purity fall below the professed standard under which it is sold.

Third. If it be an imitation of or offered for sale under the name of another article.

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold, shall deceive or tend to deceive the purchaser.

Fourth. If it be an imitation of or offered for sale under the distinctive name of another article: *Provided*, That the term "distinctive name" shall not be construed as applying to any article sold or offered for sale under a

name that has come into general use to indicate the class or kind of the article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Fifth. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold, shall deceive or tend to deceive the purchaser.

Sixth. If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Seventh. If it be labeled or branded with intent so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

Eighth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition fourth of this section. Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: *Provided*, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: *Provided further*, That substances which enter into the preparation or preservation of food and which change their chemical nature in the preparation of food shall be branded at the time of manufacture with the names of the resulting substances which are left in the food produced when ready for consumption, together with the name and address of the manufacturer: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation: *Provided further*, That no dealer shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity, in a form approved by the Secretary of Agriculture as published in his rules and regulations, signed by the manufacturer, or the party or parties from whom he purchased said articles: *Provided also*, That said guarantor or guarantors reside in the United States. Said guaranty shall contain the full name and address of the party or parties making the sale to the dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

Mr. GARDNER of Massachusetts. Mr. Chairman, I desire to offer an amendment.

The amendment was read, as follows:

Add at the end of line 20, on page 6, the following:

Provided, That dried fish preserved by suitable preservative substances employed as a surface application shall not be deemed adulterated in the meaning of this act.

Mr. GARDNER of Massachusetts. Mr. Chairman, my reason for offering this amendment, which follows substantially the line of the Massachusetts statute, is that it is impossible to preserve codfish in summer for consumption in the interior of the country without the use of a small amount of borax. Now, the honorable gentleman in charge of this bill quoted a friend whom he met, who says that substances are put up as codfish which are not codfish.

So far as I know, in a sense this is true. The codfish family consists of hake, haddock, cod, and pollock. Hake, haddock, and cod are superior fish. The pollock is an inferior fish—that is, it is always so classed in the codfish family. Now, it is utterly out of the question to ship these foods without the use of borax. If that product is analyzed by the chief of the Division of Chemistry, as provided in this bill, he will find that in each package of codfish there is four-tenths of 1 per cent of borax. But he analyzes it as it comes from the grocery store. He does not analyze it as it goes onto your table. Before it goes onto your table it will be put to soak for twenty-four hours, to soak the salt out, and the borax will be soaked out at the same time.

Mr. LIVINGSTON. May I ask the gentleman what he means here by the word "suitable?" Why does he not describe the preserving substance? Why does he not call it by its name?

Mr. GARDNER of Massachusetts. Mr. Chairman, I am perfectly satisfied to call it by its name; but I have followed the line of the Massachusetts statute. Preservative is used for this purpose. It is powdered on the surface of the fish.

Mr. LIVINGSTON. What is the powder?

Mr. GARDNER of Massachusetts. Forty per cent of the preservative is boracic acid. What the rest is I do not know, but it is perfectly harmless stuff, and there is one proportion in weight of this preservative used for one hundred proportions of fish. In other words, four-tenths of this preservative substance, which is necessary for the transportation of the fish into the interior of the United States, is a compound deleterious to health in the opinion of the chief of the Division of Chemistry.

Mr. LIVINGSTON. Are you willing to put the word "harmless" before or after the word "substance?"

Mr. GARDNER of Massachusetts. I am willing to insert "boracic acid" instead of the words "preservative substance." I am not willing to put the word "harmless" there, because that would give the case to the chief of the Division of Chemistry to decide, and we know beforehand how he is going to decide. But, Mr. Chairman, I want to say this: The quantity which would be contained in the sample might be harmful, but the quantity which goes into your food is not harmful, because your food is soaked

for twenty-four hours to get the salt out before it goes on the table. The reason that I have selected this wording is because it follows substantially the Massachusetts statute.

Mr. LIVINGSTON. Mr. Chairman, I want to give notice that I shall move to insert "a harmless" before the word "suitable."

Mr. HEPBURN. Mr. Chairman, I do not believe that we ought to rely too much upon the fact that this innocent amendment follows the Massachusetts statute. You must remember, Mr. Chairman, that the gentleman has informed us that this amendment is necessary in order to enable them to sell fish to the interior. They do not eat this fish in Massachusetts. [Laughter.] Therefore they have fixed their statute to meet their wants. They propose to sell the deleterious food to us out in Iowa. Therefore the statute ought not to figure very extensively.

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman allow an interruption?

Mr. HEPBURN. I yield to the gentleman.

Mr. GARDNER of Massachusetts. Mr. Chairman, I myself eat it repeatedly, and it is one of the most usual articles of diet, especially on Fridays, of a large part of the population.

Mr. HEPBURN. I understand the gentleman to say that it is necessary.

Mr. MADDOX. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. Certainly.

Mr. MADDOX. You might modify it and sell it to the people of Massachusetts alone. [Laughter.]

Mr. HEPBURN. Oh, I hope, Mr. Chairman, the amendment will not prevail.

The CHAIRMAN. The question is on the amendment.

[Mr. MANN addressed the committee. See Appendix.]

Mr. HEPBURN. Mr. Chairman, let me call attention of the committee to the language of section 7, which provides:

SEC. 7. That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods; and to aid him in reaching just decisions in such matters he is authorized to call upon the Director of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists, and such physicians, not less than five, as the President of the United States shall select, three of whom shall be from the medical departments of the Army, the Navy, and the Marine-Hospital Service, and not less than five experts to be selected by the Secretary of Agriculture by reason of their attainments in physiological chemistry, hygiene, commerce, and manufactures, to consider jointly the standards of all food products (within the meaning of this act), and to study the effect of the preservatives and other substances added to food products on the health of the consumer.

Now, I say, Mr. Chairman, there is a tribunal that we may safely rest this case with. There is no one man who can determine it arbitrarily as he pleases. Here is a provision to secure the most eminent of those who are best informed upon subjects of this kind, and I think it is infinitely safer to trust the health of the people of the United States to a tribunal of this kind than it is to trust it to the dealers in codfish or dealers in beef and beer.

Mr. MANN. The gentleman from Iowa misapprehends entirely the remarks I made to the committee. I may call his attention to the fact that this bill does not require the Secretary of Agriculture to call in anybody. It only authorizes him to call in people to aid him in making the determination. The point I make is this: that if the English people desire meat preserved by the aid of boracic acid, and so order it, why should we say that it should not be sold to them in the way they want it because we do not choose to eat it in that fashion? This bill provides if the Secretary of Agriculture shall determine that boracic acid is a harmful preservative, then the use of it in this country must cease, and the use of it must cease in regard to export beef, although the English dealers say that the beef is harmless and want their meats sent to them in that fashion. The only question about boracic acid is like all other preservatives, it is a matter of preserving the flesh from decay; you can use sugar and salt for the same purpose, as we do in butter. You can put in boracic acid and it is a preservative in the same fashion. We may say it is harmful, but why should we say that we should not sell the thing that other people want in the manner they want it because we do not choose to eat it in that fashion?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. GARDNER].

Mr. LIVINGSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend the amendment by inserting before the word "suitable" the word "harmless."

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. GARDNER of Massachusetts) there were—ayes 16, noes 50.

So the amendment was rejected.

Mr. PADGETT. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Insert at end of line 14, page 8, the following:

"Provided further, That the retail dealers shall not be adjudged guilty under the provisions of this act who can satisfactorily show to the court trying the cause that he purchased said goods from a reputable wholesale merchant or manufacturer, and that after exercising reasonable diligence he was ignorant of the adulterated, defective, or misbranded quality or condition of said goods."

Mr. HEPBURN. Mr. Chairman, I hope that amendment will not prevail. This retail dealer has a method of protecting himself which is ample. All he has to do is to secure a certificate from the person from whom he bought.

The question was taken, and the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 7. That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods, and to aid him in reaching just decisions in such matters he is authorized to call upon the Director of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists, and such physicians, not less than five, as the President of the United States shall select, three of whom shall be from the Medical Departments of the Army, the Navy, and the Marine-Hospital Service, and not less than five experts to be selected by the Secretary of Agriculture by reason of their attainments in physiological chemistry, hygiene, commerce, and manufactures, to consider jointly the standards of all food products (within the meaning of this act), and to study the effect of the preservatives and other substances added to food products on the health of the consumer; and when so determined and approved by the Secretary of Agriculture such standards shall guide the chemists of the Department of Agriculture in the performance of the duties imposed upon them by this act. Such standards and determinations, when so fixed by the Secretary of Agriculture for the use of the chemists of the Department, may be read in evidence in the United States courts, but shall not be considered as determining the adulteration of any articles under section 6 of this act until such standards and determinations are approved in the courts. It shall be the duty of the Secretary of Agriculture, either directly or through the Director of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists and the medical officers and experts before mentioned, to confer with and consult, when so requested, the duly accredited representatives of all industries producing articles for which standards shall be established under the provisions of this act.

The following amendment was recommended by the committee:

In lines 16 and 17 strike out the words "until such standards and determinations are approved in the courts."

The amendment recommended by the committee was agreed to.

Mr. MANN. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 8. That every person who manufactures or produces for shipment and delivers for transportation within the District of Columbia or any Territory, or who manufactures or produces for shipment or delivers for transportation from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any drug or article of food, and every person who exposes for sale or delivers to a purchaser in the District of Columbia or any Territory any drug or article of food manufactured or produced within said District of Columbia or any Territory, or who exposes for sale or delivers for shipment any drug or article of food received from a State, Territory, or the District of Columbia other than the State, Territory, or the District of Columbia in which he exposes for sale or delivers such drug or article of food, or from any foreign country, shall furnish within business hours, and upon tender and full payment of the selling price, a sample of such drugs or articles of food to any person duly authorized by the Secretary of Agriculture to receive the same and who shall apply to such manufacturer, producer, or vendor, or person delivering to a purchaser such drug or article of food, for such sample for such use, in sufficient quantity for the analysis of any such article or articles in his possession. And in the presence of such dealer and an agent of the Department of Agriculture, if so desired by either party, said sample shall be divided into three parts, and each part shall be sealed by the seal of the Department of Agriculture. One part shall be left with the dealer, one delivered to the Director of the Bureau of Chemistry of the Department of Agriculture, and one deposited with the United States district attorney for the district in which the sample is taken. Said manufacturer, producer, or dealer may have the sample left with him analyzed at his own expense, and if the results of said analysis differ from those of the Department of Agriculture the sample in the hands of the district attorney may be analyzed at the expense of the said manufacturer or dealer by a third chemist, who shall be appointed by the president of the Association of Official Agricultural Chemists of the United States; and the analysis shall be conducted, if so desired, in the presence of a chemist of the Department of Agriculture and a chemist representing the dealer, and the whole data obtained shall be laid before the court.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 11, page 11, the following: "Said manufacturer or dealer," and insert in lieu thereof the word "Government."

Mr. MANN. Mr. Chairman, the bill provides that the Government shall obtain, or the dealer shall furnish to it, a sample of the goods—

Mr. HEPBURN. Mr. Chairman, I do not think there is any objection to that amendment.

The amendment was considered and agreed to.

The Clerk read as follows:

SEC. 10. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods within the District of Columbia and the several Territories.

Mr. MANN. I move to amend by striking out the last word. I wish to inquire of the gentleman in charge of this bill whether there is not now in the District of Columbia a complete pure-food law, and whether this provision, if left in the bill, would not conflict with that law? Should not this bill go into effect in the District of Columbia if it goes into effect at all?

Mr. HEPBURN. It has been thought by gentlemen who prepared this bill—and they had charge, some of them, I think, of the preparation of the bill now in force regulating this matter in the District of Columbia—that the present District law is ample for the purposes of the District, and they thought that confusion might result if the provisions of this bill should be applied to the District.

Mr. MANN. But, Mr. Chairman, all through this bill it talks about enacting this law in the District of Columbia. Then when we come to section 10 we say that it shall not apply to this District.

Mr. HEPBURN. That will govern, will it not?

Mr. MANN. Now, if this bill is a good pure-food law, why not enforce it in the District of Columbia? Why except the District of Columbia from these stringent measures?

Mr. HEPBURN. I do not think that the District of Columbia is being exempted from stringent measures. It is a stringent law that they now have, and they have become accustomed to its operation. It has been in force three or four years. Therefore it was thought best not to apply this bill to the District.

Mr. MANN. The gentleman will remember that we had before the committee a number of people from the District of Columbia, including some of the grocers of this city, who were insisting upon the passage of this bill to correct the evils which are in existence in the District of Columbia. But this section excepts the District of Columbia from the operation of the bill.

Mr. WANGER. I beg my friend's pardon. This does not seek to except the District of Columbia from the operation of the bill. It only provides that the provisions of this act shall not interfere with the laws which the District now has on this subject. So that all the provisions of this bill will be in full force here except in so far as the same ground is covered by local legislation.

Mr. MANN. The gentleman, of course, understands very well that there is a pure-food law in the District now—a law defining what is and what is not pure food and what is adulterated food—that would conflict with this bill, so that if that law is to continue in force the provisions of this bill would not be in effect in this District. Now, why should we say what shall be done in Pennsylvania and other States in regard to pure food and be afraid to make the same test in the District of Columbia?

Mr. UNDERWOOD. I agree with my friend from Illinois exactly, that the real benefit of this bill is to come from making the laws with reference to pure food uniform.

Mr. MANN. Certainly.

Mr. UNDERWOOD. Unquestionably that is the best feature of legislation of this kind. But does not the gentleman from Pennsylvania [Mr. WANGER] explain that fully when he says that the provisions of the District law shall not be operative where its provisions conflict with this bill?

Mr. MANN. That is just exactly the opposite to what it states.

Mr. UNDERWOOD. I should like to hear from the gentleman on that point.

Mr. MANN. The provision of this bill is—

That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods within the District of Columbia and the several Territories.

Now, since there is legislation in force in the District of Columbia defining adulterated food, this act does not go into effect here, because if it went into effect it might interfere with the existing law operative in this District.

Mr. UNDERWOOD. That being the case, I agree with the gentleman from Illinois.

Mr. MANN. It is just as clear as that one and one make two that if this section of the bill be enacted the District of Columbia remains outside the limits of this law, except as to food shipped out of the District of Columbia into some State or Territory.

The CHAIRMAN. Does the gentleman from Illinois withdraw the amendment to strike out the last word?

Mr. MANN. Yes, sir.

Mr. UNDERWOOD. If there is no amendment pending to make the bill uniform, I move to strike out that portion of the bill which exempts the District of Columbia from the operation of this measure. I move to strike out the proviso extending from line 9 to line 14.

I am for this bill, Mr. Chairman; I think it is a proper bill; but I believe that if this is a good bill, a just bill, a bill that will benefit the people of the country, then it is proper that such legislation should extend uniformly throughout the United States. Such a measure will be a benefit to commerce.

When the shipper gets ready to put up his goods he does not have to find out what is the law of 36 different States to know how to ship them; but he knows what the general law is and he can comply with that law. Now, why should we exempt the District of Columbia and make this exception? It may be the opening door to making other exceptions, and I think the committee by putting in this proviso are injuring a bill that otherwise is excellent, and I therefore move to strike it out.

Mr. HEPBURN. As far as I am concerned, I have no objection to the amendment offered by the gentleman from Alabama.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. ROBINSON of Indiana. Mr. Chairman, I do not rise to oppose this bill. I see much in its pages to commend it to the favorable consideration of the House. It is brought here in response to a demand for pure food, and we have the greatest incentive for such legislation, and the highest consideration for it is found in public policy.

The section just read provides:

SEC. 11. That any article of food or drug that is adulterated or misbranded within the meaning of this act, and is transported or being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States, within the district where the same is found and seized for confiscation, by a process of libel for condemnation. And if such article is condemned as being adulterated the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any State contrary to the laws of that State. The proceedings of such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case; and all such proceedings shall be at the suit of and in the name of the United States.

In these provisions we find a salutary and drastic procedure for the enforcement of laws aimed to correct evils and abuses that have grown up, and which are clearly against public policy.

Good and stringent laws should be passed to insure pure articles of food and diet, and no surer or safer remedy can be found than that provided in this section. It enables the Government to run the spurious article down and seize it under judicial process and sell it under the hammer of the United States marshal, and the proceeds of sale, if sold, are turned into the United States Treasury. A wholesome public sentiment asks for this protection. This bill by criminal penalties and by process of condemnation makes the remedy salient and ample.

I commend the gentleman from Iowa [Mr. HEPBURN] who introduced this bill, and who is managing it upon the floor, for in its operation will be found still further evidence of his ability and wisdom as a legislator.

With recollections of his efforts in conjunction with the gentleman from Georgia [Mr. BARTLETT] to secure a half million of dollars to strengthen the arm of the Attorney-General in the prosecution of trusts, I see a precedent in the field covered by this bill and in the methods provided for the enforcement of its provisions for a still more important class of legislation.

Legislation against trusts may safely follow along the line and purview of this act, which seeks to eliminate evils clearly against public policy. Let me suggest to the gentleman some legislation against trust operations, so far as it is within the scope of the control by the Government of interstate commerce.

Engrossing, forestalling, and monopolizing products and markets have been against public policy and the common law from the beginning of good law down to the present moment.

When a combination is found to exist that has for its object and purpose the stifling of competition, the arbitrary control of prices and of commodities and of markets, a law based upon the theory of this bill along interstate-commerce lines would be a most wise and efficacious remedy for a growing evil.

A carefully worded definition of a combination of the description mentioned would make it clearly against public policy, and of the kind against which there is such a great demand for legislation. Enact a law that will deny the products of such combinations the rights of interstate commerce.

Under a section like section 11 in this bill seize the inhibited goods and treat them as contraband. In a complaint in the

United States court allege that they are the product of such combination or trust and are the subject of interstate commerce, give notice by publication and on proof of the facts alleged order the goods sold by a judgment of the court, and that the proceeds of sale be covered into the United States Treasury. With such a law and its enforcement the fruits can easily be foreseen.

I congratulate the gentleman for in this manner and form promoting the public good. It is a long and a wise step in the right direction. I commend to his consideration another great step in the same direction in the control of the trusts.

With the means in the hands of the Attorney-General to prosecute civilly and criminally; with a law controlling interstate transportation not more drastic than this bill; with additional power given to the Interstate-Commerce Commission, such as it has for years asked Congress to give it, a great measure of relief will be given against the trust evils that have grown up around us.

The Clerk concluded the reading of the bill.

Mr. STEWART of New Jersey. Mr. Chairman, in conformity with the last amendment, ought not the words, in line 18, "or that be sold or offered for sale in the District of Columbia and Territories of the United States" be eliminated?

Mr. HEPBURN. Oh, I think not. I think the cases are not at all similar. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments back to the House with the recommendation that as amended it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories and for regulating interstate traffic therein, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the Chair will submit them in gross to the House. There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and it was read the third time.

Mr. MANN. Mr. Speaker, is it in order now to move to recommit the bill?

The SPEAKER. This is the proper time to make such a motion, if it is to be made.

Mr. MANN. Then I move to recommit the bill, with instructions to the committee to report in lieu thereof the following, which is a bill introduced by me at the request of the Retail Grocers' Association. It is known as the Mann bill. It has never been reported. I will send it to the desk and ask to have it read.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Recommit the bill with instructions to report the following:

A bill (H. R. 9352) to prevent the transportation of deleterious foods and drinks and for the appointment of a dairy and food commissioner.

Be it enacted, etc., That there is hereby created the office of dairy and food commissioner of the United States of America.

Within sixty days after this act shall take effect a dairy and food commissioner shall be appointed by the President, by and with the advice and consent of the Senate, and his term of office shall be four years from the date of his appointment, and until his successor is appointed and qualified, subject to removal at any time by the President. His office shall be at the city of Washington, in the District of Columbia. The salary of said dairy and food commissioner shall be \$8,000 per annum, and he shall in addition thereto be paid his necessary and actual expenses incurred in the discharge of his duties.

The President shall also have power to appoint an assistant dairy and food commissioner, whenever in his judgment such assistant shall become necessary, and the term of office of said assistant dairy and food commissioner shall be the period of four years, subject to removal at any time by the President, provided the term of office of the assistant dairy and food commissioner shall not extend beyond the term for which the dairy and food commissioner was appointed. His salary shall be \$3,500 per annum, and he shall be paid in addition thereto his actual and necessary expenses, and he shall perform such duties as the dairy and food commissioner may from time to time designate.

SEC. 2. That the dairy and food commissioner shall have charge of the enforcement of this act. He shall for this purpose procure, or cause to be procured, the necessary office fixtures, chemical laboratory, and proper appliances, and analyze, or cause to be analyzed, chemically, microscopically, or otherwise, articles of food and drink and articles and compounds intended to be used in the preparation of food and drink offered for sale in the District of Columbia or the Territories of the United States, or found in any State other than that in which they shall have been manufactured or produced, or

imported from a foreign country, or intended for export to a foreign country. He is hereby authorized to employ 25 inspectors, who shall be subject to removal by the dairy and food commissioner at any time. The salary of each inspector shall be \$1,800 per annum, and they shall be paid in addition thereto the actual and necessary expenses incurred in the discharge of their duties. Said inspectors shall from time to time perform such duties as may be required by the dairy and food commissioner. He is further authorized to employ a chief chemist, whose salary shall be \$5,000 per annum, and he shall be paid in addition thereto his actual and necessary expenses. He may also employ not to exceed 5 assistant chemists, who shall perform such duties as the dairy and food commissioner may from time to time require, and the salary of each assistant chemist shall be \$2,500 per annum, and they shall be paid in addition thereto their actual and necessary expenses, and all chemists shall be subject to removal at any time by the dairy and food commissioner. The dairy and food commissioner is also authorized to employ such clerks, laborers, and other employees as may be necessary to carry out the provisions of this act. He shall annually report to the Congress the results of the examinations herein provided for, and issue such bulletins announcing said results as he may deem proper or the Congress may require.

SEC. 3. That any article of food or drink, or any article or compound intended to become an ingredient in a composition or preparation for food or drink, containing any substance or substances which are in the quantity used, or intended to be used, deleterious to health, and has been transported from one State to another, and remains in original packages, or is being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia, or any of the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being deleterious to health in the quantity used, or intended to be used, the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States of America; but such goods shall not be sold in any State contrary to the laws of that State. The proceedings of such libel cases shall conform as near as may be to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 4. That any person or persons, company or corporation, engaged or interested in the manufacture of food products may at any time submit to the dairy and food commissioner a formula for the manufacture of any preparation intended for food or drink, with a sample prepared after such formula, and it shall be the duty of said dairy and food commissioner to approve or reject said formula and enter upon the public record of his office, hereinafter provided for, such formula, together with the approval or rejection thereof, and, if rejected, the specific reasons therefor. He shall also enter upon said record the name and address of the person or persons, company or corporation, submitting said formula. When a formula has been approved by the dairy and food commissioner, this act shall not apply to any article transported or introduced, or intended to be introduced, into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, by any person or persons, company or corporation, prepared in accordance with said formula so approved by the dairy and food commissioner.

SEC. 5. That the dairy and food commissioner shall keep a book or books which shall be a public record, in which all decisions in relation to food products, which may at any time be made by him, shall be recorded.

SEC. 6. That nothing herein contained shall apply to any article intended to be used as a medicine only.

SEC. 7. That if it shall appear from the examinations provided for in section 2 hereof that any of the provisions of this act have been violated, the dairy and food commissioner shall certify the facts to the proper district attorney, together with such analyses and information as may be in his possession.

SEC. 8. That it shall be the duty of every district attorney to whom the dairy and food commissioner shall report any violation of this act to cause proceedings to be begun and prosecuted without delay to enforce the penalties herein provided.

SEC. 9. That there is hereby appropriated from any funds in the United States Treasury not otherwise appropriated the sum of \$150,000 for the purpose of carrying out and enforcing the provisions of this act.

SEC. 10. That the dairy and food commissioner shall fix the salary of all employees whose salaries are not herein specifically fixed, but none of said employees shall receive to exceed \$1,500 per annum.

SEC. 11. That this act shall take effect on the 1st day of July next following its passage.

During the reading of the above, Mr. HEPBURN asked unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the further reading of this part of the motion, namely, the bill, be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois to recommit with instructions.

The question was taken, and the motion was rejected.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. ADAMSON) there were—ayes 72, noes 21.

Accordingly the bill was passed.

On motion of Mr. HEPBURN, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SCOTT, for two days on account of important business.

PUBLIC BUILDING AT MUSKEGON, MICH.

Mr. MERCER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 6399, which makes no appropriation of any money whatever, but is simply remedial in its character.

The SPEAKER. The gentleman from Nebraska asks unani-

mous consent to take from the Speaker's table for immediate consideration a bill which the Clerk will report to the House.

The bill (S. 6399) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, was read, as follows:

Be it enacted, etc., That so much of section 3 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, as restricts the selection of a site for a post-office and custom-house at Muskegon, Mich., to certain lots in a certain block in said city be, and the same is hereby, repealed.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I should like to ask the gentleman from Nebraska to explain the necessity for this legislation.

Mr. MERCER. The necessity is this: The bill as passed provided that a donation of land from the citizens of Muskegon should be confined to certain lots. Complications have arisen since then, and the citizens have an option upon other property more desirable even than this for Government purposes, and they desire that this restriction be taken from the measure so that the citizens of that city can donate to the Government a better piece of property than the one provided for in the bill, and the option expires January 1.

Mr. UNDERWOOD. The gentleman states that this does not increase the cost in any way.

Mr. MERCER. It makes no increase whatever and no appropriation. It is a very meritorious proposition.

I ask for a vote, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MERCER, a motion to reconsider the last vote was laid on the table.

RECORDING OF DEEDS, ETC., INDIAN TERRITORY.

Mr. STEPHENS of Texas. I ask unanimous consent for the present consideration of the bill (S. 5678) providing for the recording of deeds and other conveyances and instruments in writing in the Indian Territory, and for other purposes.

The Clerk began the reading of the bill.

Mr. STEPHENS of Texas. I ask unanimous consent that this bill be not read. It is exactly the same bill that passed the House a few days ago, and it is unnecessary to read the bill at length.

The SPEAKER. The gentleman from Texas asks unanimous consent that the House dispense with the further reading of this bill, as it was read in full a few days ago and passed the House. Is there objection?

There was no objection.

The amendment recommended by the committee, striking out the text of the Senate bill and substituting therefor the text of the House bill, was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

WILLIAM H. CRAWFORD.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent for the consideration of the bill (S. 1563) for the relief of William H. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, William H. Crawford, of Philadelphia, Pa., an assistant engineer, with rank of lieutenant, junior grade, on the retired list of the Navy, as for disabilities incurred in the line of duty, to take effect upon the date of appointment under this act.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I should like to ask why this gentleman is to be legislated into the retired list of the Navy?

Mr. ADAMS. Mr. Speaker, I will state that this is to correct a mistake that was made in the Navy Department many years ago, which the Secretary of the Navy has reported should be done, and that he is quite willing to have done. The record of this man, who has served the Government both in the Army and the Navy, and which is contained in the report, shows that it is one of the most creditable in the annals of the War Department. He was suffering from illness incurred in the line of duty when a physician said it would be necessary for him to go to Colorado for a long time in order that his health might be restored.

Under the rules of the Department he could not do that. While the matter was under consideration he wrote to the Department asking if he resigned at a future period would that resignation be accepted. His object in doing this was, in the event that his physician determined he must take this long rest

and go to Colorado, that he might resign in order to do so. Judge his surprise at the fact that this inquiry on his part was accepted by the Navy Department as a resignation. He wrote immediately to the Department and asked why that had been done. For some time he could get no answer at all. Finally, after repeated inquiries, he was told that his resignation had been accepted because he tendered it. Upon proper presentation of the facts to Secretary Long, and upon the proof and correspondence, it was found that the facts as alleged by Lieutenant Crawford were perfectly correct.

This man was retired from the service through absolute mistake and through no intention on his part of resigning at that time. His record in the Army, where he served and was wounded, was most brilliant. He was then transferred to the Navy. He was present in many actions and highly commended and promoted, and then, when in a broken condition in health by service in both branches of the military forces of his country, he was retired through this mistake. The Secretary of the Navy expresses himself as willing to correct the mistake, but states that it is not in his power so to do, and it is therefore necessary to come to Congress, and he comes to Congress in good faith, relying upon the patriotic judgment of this body that such an error will not be allowed to prevail, but that he may be placed on the retired list. I ask my colleagues that this injustice shall not be done a gallant officer through mistake, which is admitted on the part of the Department itself.

Mr. UNDERWOOD. Reserving the right to object, I would like to ask the gentleman how long ago did this gentleman resign?

Mr. ADAMS. In 1871.

Mr. UNDERWOOD. In 1871; and he has just come to Congress now to get this matter corrected?

Mr. ADAMS. He has just come to Congress.

Mr. UNDERWOOD. Well, Mr. Speaker, I think that this is a matter that ought to go over.

Mr. ADAMS. Just one minute, in answer to the gentleman's objection. He comes to Congress when the Navy Department tells him that it is beyond their power to do anything, and that he must apply to Congress. His efforts all the time have been with the Navy Department, so I do not think the ground of the objection of the gentleman is well taken.

Mr. UNDERWOOD. I will say to the gentleman from Pennsylvania if I thought that the Navy Department had resigned this man when it was not his fault I would have no objection to his bill.

Mr. ADAMS. That is correct.

Mr. UNDERWOOD. But I can not conceive how the Navy Department could so put a man out of the service. Let the matter go over and I will look into it.

Mr. ADAMS. The Department admits it.

The SPEAKER. The gentleman from Alabama objects.

INCLINE RAILWAY ON WEST MOUNTAIN, HOT SPRINGS RESERVATION, ARK.

Mr. CLARK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15708.

The bill was read, as follows:

A bill (H. R. 15708) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation.

Be it enacted, etc., That the time for the completion of an incline railway upon the West Mountain of the Hot Springs Reservation, as provided by act of Congress approved December 21, 1893, and as extended by act of Congress approved March 26, 1900, be further extended for the term of one year from and after the passage of this act, and that said original act, approved December 21, 1893, be continued in full force and effect.

The SPEAKER. Is there objection?

Mr. LACEY. I would like to ask the gentleman from Missouri if this is to be positively the last time this time is to be extended?

Mr. CLARK. I think it is.

Mr. LACEY. We have already extended it three different times.

Mr. CLARK. The way I came to have anything to do with it is this: This is a matter that relates to the district of the gentleman from Arkansas [Mr. LITTLE], and he asked me to call it up.

Mr. LACEY. He got ashamed of calling it up so often, I suppose; but I think it ought to pass.

Mr. CLARK. That is partly true. Heretofore the time has been extended two or three times and the men failed to build it. The parties want the bill to pass before the holidays, so they can go on with the work.

Mr. LACEY. They are really in earnest this time?

Mr. CLARK. They are in earnest; and everybody interested in the road wants the bill passed, so as to have this incline road built.

The SPEAKER. Is there objection? [After a pause.] The Chairs hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CLARK, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 5453. An act granting an increase of pension to Thomas Wilkinson;

H. R. 1745. An act granting an increase of pension to Marvin Chandler;

H. R. 5961. An act granting an increase of pension to Charles F. Coles;

H. R. 13355. An act granting an increase of pension to William H. Snyder;

H. R. 13367. An act granting an increase of pension to Jonathan Walbert;

H. R. 8712. An act granting an increase of pension to James S. Young;

H. R. 6003. An act granting a pension to Mary Stone;

H. R. 1523. An act granting a pension to Susan J. Taylor;

H. R. 2618. An act granting a pension to Michael Mullin;

H. R. 10761. An act granting a pension to Anne Bronson;

H. R. 10876. An act granting an increase of pension to Joseph Mote;

H. R. 3291. An act granting an increase of pension to Arthur P. Lovejoy;

H. R. 15445. An act to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.;

H. R. 4261. An act granting an increase of pension to Sanders R. Seamonds;

H. R. 6481. An act granting an increase of pension to Millen McMillen;

H. R. 13665. An act granting an increase of pension to George R. Baldwin;

H. R. 1931. An act granting a pension to John Ludwig;

H. R. 14701. An act granting a pension to Mary A. Peters;

H. R. 14774. An act granting a pension to John C. Clark;

H. R. 6401. An act granting an increase of pension to David E. Hall;

H. R. 3517. An act granting an increase of pension to Stephen Harris;

H. R. 832. An act granting an increase of pension to William Clark;

H. R. 8856. An act granting an increase of pension to Leon King;

H. R. 10394. An act granting a pension to William H. Ruggles;

H. R. 931. An act granting a pension to Huldah A. Clark;

H. R. 6823. An act granting an increase of pension to Allen W. Merrill;

H. R. 3653. An act granting an increase of pension to James W. Poor;

H. R. 11453. An act granting a pension to Catharine Freeman;

H. R. 11638. An act granting an increase of pension to Samuel Hyman;

H. R. 12326. An act granting a pension to John A. Kirkham;

H. R. 2433. An act granting a pension to James A. Clifton;

H. R. 10174. An act granting a pension to Jennie M. Sawyer;

H. R. 1090. An act granting a pension to James E. Bates;

H. R. 6968. An act granting a pension to Cappa King;

H. R. 12932. An act granting a pension to Elizabeth D. Harding;

H. R. 12379. An act granting a pension to Nancy M. Gunsally;

H. R. 11196. An act granting a pension to Abbie Bourke;

H. R. 3330. An act granting a pension to Calvin Duckworth;

H. R. 7040. An act granting an increase of pension to Benjamin Grinnell;

H. R. 7041. An act granting an increase of pension to Thomas J. Pleasant; and

H. R. 11979. An act granting an increase of pension to William W. Anderson.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 619. An act providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery;

H. J. Res. 227. Joint resolution to pay the officers and employees of Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month; and

H. R. 15140. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year.

ISSUANCE OF A PATENT TO COUNTY OF CLALLAM, STATE OF WASHINGTON.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4355) authorizing the issuance of a patent to the county of Clallam, State of Washington. The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior shall cause a patent to issue conveying to the county of Clallam, in the State of Washington, for county purposes, to be expressed in patent, all the right, title, and interest of the United States in and to a parcel of land 220 feet in width off the east side of suburban block No. 26, as shown on official plats of the town site of Port Angeles, in said county, subject to all other valid adverse rights.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to understand something about the effect of this bill and how much it involves.

Mr. CUSHMAN. Mr. Speaker, the facts concerning the bill are briefly as follows: In 1864 there was a large block of land reserved by the Government in the center of the town known as Port Angeles, the county seat of the county of Clallam. There is a road running through this block of land, leaving a small portion of one block on one side 220 feet in length. The county court-house stands on that portion of the block 220 feet in length, and one side of the roadway. The title is in the Government. The Government has no use for the land and the bill provides that the title to that portion of the Government reservation, 220 feet in length, be vested in that county for county purposes. It has been recommended by the Department of the Interior, and is the unanimous report from the Committee on the Public Lands.

Mr. RICHARDSON of Tennessee. Let me ask the gentleman what is the value of the property.

Mr. CUSHMAN. It is a little difficult to determine the value. It is in the center, or near the center, of a town of 1,500 people. It is not exceedingly valuable.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CUSHMAN, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, the similar House bill (H. R. 4449) will lie on the table.

There was no objection.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to. Accordingly (at 3 o'clock and 38 minutes) the House adjourned until to-morrow morning at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, submitting detailed statement of expenditures of the contingent fund of the Navy Department—to the Committee on Expenditures in the Navy Department, and ordered to be printed.

A letter from the Secretary of War, transmitting application of William O. Bailey for relief from responsibility for loss of certain clothing—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for moving expenses and rent of temporary quarters for public offices in Portland, Oreg.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting papers relating to the claim of Charles Lennig & Co.—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15767) to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 2914); which said bill and report were referred to the House Calendar.

Mr. TAYLER of Ohio, from the Committee on Elections No. 1, to which was referred the resolution of the House (H. Res. 339) relative to the reference of the credentials of CARTER GLASS as Representative in the Fifty-seventh Congress from the Sixth dis-

trict of Virginia, reported the same, accompanied by a report (No. 2915); which said resolution and report were ordered to be printed.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with drive-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, reported the same with amendments, accompanied by a report (No. 2916); which said bill and report were referred to the House Calendar.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 5820) to provide for the purchase of a site for and the erection thereon of a court of justice building for the accommodation of the Supreme Court of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 2917); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 16089) granting an increase of pension to Thomas Claiborne, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MINOR: A bill (H. R. 16278) to authorize the construction of a telephone line from the mainland to Plum Island, thence to Washington Island, Wisconsin, in aid of the preservation of life and property—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 16279) donating to the State of Arkansas 100,000 acres of public land for the purpose of establishing, equipping, and maintaining a textile school in said State—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 16280) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. SIBLEY: A bill (H. R. 16281) for the addition of protected torpedo boats to the United States Navy—to the Committee on Naval Affairs.

By Mr. MANN: A bill (H. R. 16282) to establish the Department of Commerce and Labor—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 16283) relating to crimes against Indians, wards of the United States, and for other purposes—to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 16284) granting to railroads and water company the right of way through public lands and reservations of the United States for reservoirs and pipe lines—to the Committee on the Public Lands.

By Mr. BRUNDIDGE (by request): A bill (H. R. 16285) to authorize the appointment of a United States commissioner for the central judicial district of Indian Territory—to the Committee on the Judiciary.

By Mr. BARTLETT: A bill (H. R. 16286) to amend "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902—to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD: A bill (H. R. 16287) appropriating \$10,000 to be expended by the Secretary of Agriculture in the discovery of a method of exterminating the Heliothis armiger, or cotton-boll worm—to the Committee on Agriculture.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BALL of Delaware: A bill (H. R. 16288) granting an increase of pension to William F. Davis—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 16289) granting a pension to Francis A. Land—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 16290) granting an increase of pension to Jesse Woodruff—to the Committee on Pensions.

Also, a bill (H. R. 16291) granting a pension to Laban McGahan—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 16292) for the relief of John M. Roden—to the Committee on War Claims.

By Mr. CLARK: A bill (H. R. 16293) granting a pension to William H. Holland—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 16294) for the relief of the heirs of O. H. Cogswell—to the Committee on Claims.

By Mr. CURRIER: A bill (H. R. 16295) granting an increase of pension to Freeman York—to the Committee on Invalid Pensions.

By Mr. FLANAGAN: A bill (H. R. 16296) for the relief of John Treftz—to the Committee on Military Affairs.

By Mr. GILLET of Massachusetts (by request): A bill (H. R. 16297) for the payment of Charles E. Dailey of the balance due him as United States land officer—to the Committee on Claims.

By Mr. REEDER: A bill (H. R. 16298) granting a pension to Stephen Z. Shores—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16299) granting an increase of pension to John G. Armistead—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 16300) for the relief of Mary J. Grau—to the Committee on Claims.

By Mr. LOUD: A bill (H. R. 16301) for the relief of the Alaska Commercial Company, the North American Transportation and Trading Company, and the Alaska Exploration Company—to the Committee on Claims.

By Mr. MADDOX: A bill (H. R. 16302) for the relief of William J. Langston—to the Committee on War Claims.

By Mr. McLACHLAN: A bill (H. R. 16303) for the relief of Erastus S. Joslyn—to the Committee on Claims.

By Mr. MERCER: A bill (H. R. 16304) granting a pension to John Knight—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 16305) for the relief of John W. Canary—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 16306) for the relief of Perry Cottingham—to the Committee on Claims.

By Mr. SHALLENBERGER: A bill (H. R. 16307) granting an increase of pension to Henry Cronk—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16308) granting a pension to Sarah J. Oldham—to the Committee on Invalid Pensions.

By Mr. BURK of Pennsylvania: A bill (H. R. 16309) granting a pension to Samuel H. Montayne—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Petition of the Colorado Medical Society, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. CASSINGHAM: Papers to accompany House bill granting a pension to James Carr—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petition of Frank A. Heath, of North Boscawen, N. H., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Citizens' Semicentennial Canal Anniversary Association of Sault Ste. Marie, Mich., for the commemoration of the semicentennial anniversary of the construction of the ship canal between Lake Huron and Lake Superior—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, favoring the passage of the Elkins bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Troy Chemical Company, Troy, N. Y., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. FOWLER: Report of the committee on finance and currency of the Chamber of Commerce of the State of New York, together with resolutions relating to the same—to the Committee on Banking and Currency.

By Mr. GIBSON: Paper to accompany House bill 16274, granting a pension to Sallie H. Kincaid—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 16275, granting a pension to Isaac B. Price—to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of citizens of Versailles, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HAY: Petition of heirs of Enos Dinkle, deceased, late

of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HOWELL: Protests of Capt. James Hughes, of New Brunswick; C. B. Parsons, of Red Bank, and John Scully, of South Amboy, N. J., against the suspension of the navigation laws—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Cranbury, N. J., to accompany House bill granting an increase of pension to John P. Veach—to the Committee on Invalid Pensions.

By Mr. LITTLE: Papers to accompany House bill 14298, to correct the military record of Thomas J. Estes—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Petition of the Norway Medicine Company, of Norway, Me., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. NEVILLE: Papers to accompany House bill granting an increase of pension to E. J. Bobblitz—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Resolutions of United Mine Workers' Unions No. 1582, of Shaft; No. 1588, of Lost Creek; No. 1600, of Ravine, and No. 1594, of Frackville, Pa., favoring an educational qualification for immigrants as embodied in House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of Wm. H. Joyce and 116 others, all citizens of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Papers to accompany House bill 15675, granting an increase of pension to George W. Howard—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, December 20, 1902.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Wednesday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved if there be no objection. The Chair hears none.

DISTRICT MUNICIPAL BUILDING.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia recommending that the limit of cost of the proposed new municipal building for the District of Columbia be increased to \$2,500,000; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PATAPSCO RIVER AND BALTIMORE HARBOR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers correcting the estimates of the cost of increasing the depth of the Patapsco River and Baltimore Harbor; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

ARIKARA INDIANS OF NORTH DAKOTA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting an agreement between the United States and the Arikara and other Indians of North Dakota by which the Indians have ceded to the United States a certain portion of their reservation, and also a draft of a bill to ratify the agreement; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings filed by the court in the cases of William W. Beck and sundry other claimants v. The United States, Joseph B. Parker and sundry other claimants v. The United States, James M. Clayton and sundry other claimants v. The United States, Robert B. Rodney and sundry other claimants v. The United States, Daniel Delehanty and sundry other claimants v. The United States, Walter C. Cowles and sundry other claimants v. The United States, and Edwin Longnecker and sundry other claimants v. The United States, which cases were referred to the Court of Claims by the resolution of the Senate of June 4, 1902, referring the bill (S. 5949) for the relief of certain naval officers and their legal representatives to that court; which,